

JOINT REPORT

— OF —

Executive Council, President, Vice-Presidents,
Secretary-Treasurer-Legislative Agent

TO THE

Fifty-first Annual Convention



of the

Massachusetts State Federation of Labor

AUGUST 3, 4, 5, 6, 7, 1936

HEADQUARTERS:

NEW BEDFORD HOTEL, NEW BEDFORD, MASS.

PRINTED ON UNION MADE PAPER

Richmond Printing Company



128 Washington St. No., Boston

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Your Executive Council, as provided in the Constitution, respectfully submits this report of its stewardship to this the 51st Annual Convention of the Massachusetts State Federation of Labor, with suggestions and recommendations for your consideration. The Council met regularly at the call of President Gatelee and after due consideration took action on all matters referred to it by the Springfield Convention. The report on all such action and the Committee's reports on all matters delegated to the President and Council will be found in the following pages of this report.

There never was a time in which the responsibilities of the delegates attending this Convention were greater than they are at present. With millions of our wage earners still unemployed and many of them at the point of destitution, the future welfare of the workers of our State depends to a great degree upon the exercise of sane leadership and sound judgment on the part of our Officers and Delegates in attendance at this Convention. With Fascism, Nazism and Communism rampant in many nations where the trade union movements were once strong and powerful, we must be careful and count the cost of every action, lest in our efforts to solve our problems of the moment, we may unwittingly consent to the forging of chains which would shackle our people during the years to come.

During critical times like these, it is the responsibility of the Officers and Delegates attending this Convention, to give thoughtful and calm consideration to every question concerning the wage earners, which may arise at this Convention, so that the effect of every action taken may sound a note of encouragement and hope to the thousands of workers who make up the State Federation. The task of organizing the unorganized, has gone on incessantly since the last Convention. With the invaluable assistance of New England Organizer Francis P. Fenton, many new unions have been installed, and several Central Labor Bodies revived and reorganized. The Officers and members of local unions have willingly co-operated with your Officers in their efforts, and the delegates will note from this report that because of that whole-hearted co-operation, the State Federation is now in the strongest numerical and financial position of our fifty-one years' history.

Your Officers have, in various ways, assisted, counselled and advised all organizations, both affiliated and unaffiliated, on almost every matter in which wage earners are interested. If our accomplishments in this regard were not all that was desired, undoubtedly it

is because there are still a considerable number of local unions not affiliated with the Massachusetts State Federation of Labor. It is with a profound regard for the magnitude of our problems and a sense of appreciation and responsibility that we submit to the delegates this Annual Report, with recommendations as to the course which, in our opinion, the Labor movement in Massachusetts should follow.

UNEMPLOYMENT

Although business is definitely improving, having travelled 76% of the way toward normalcy, and profits of the large corporations have exceeded those for 1935 by approximately 40%, very few of the 12,000,000 victims of the depression have benefited thereby.

Had the Supreme Court seen fit to give N.R.A. its blessing, rather than declare it invalid, no doubt many more workers would have returned to jobs. N.R.A. demonstrated, among other things, that regulating industry to the extent of having reemployment keep pace with improved business, was definitely a step in the right direction.

Abolition of Codes, of course, was the result of N.R.A.'s death, which was followed with increased hours of work and reduced wages, particularly for the unorganized workers. Compared with employment keeping abreast with business as it did when industry was regulated by Codes, today we face a very alarming situation. While business is 76% of the way in the direction of normalcy, employment is but 46% of the distance.

The problem, therefore, of putting some 12,000,000 unemployed back to work in industry is one of the greatest tasks before the American people. Many persons take it for granted that, as industry comes back to normal, the unemployed will automatically find work. Careful observation of the facts indicates, however, that increases in the worker's productivity have been so great that even a return to normal business will not give work to all who seek it. The problem will never be solved until reduction in the hours of labor goes hand in hand with the introduction and development of machinery.

A. M.

How long the Government can support the W.P.A., P.W.A. and C.C.C. is problematical. Should these artificial, but necessary enterprises be discontinued, the unemployment situation would be further aggravated

by an increase of approximately 3,500,000 men and women. Much criticism has been hurled at the sponsors of these alphabetical set ups, without giving consideration to the bankrupt condition many local Governments might be in, if additional relief were to be administered to those now receiving Federal work and wages.

It must be perfectly obvious after passing through these lean years of depression that not until hours are reduced, thus reemploying our army of unemployed, and purchasing power is increased by higher wages, can recovery and prosperity become a reality.

No mistake should be made that such benefits can be obtained for the welfare of country and workers by legislation. Property rights still have the right of way over human rights, according to our Supreme Court's decisions. Nor should the mistake be made by thinking that captains of industry, with their anti-union practices, labor spies, machine guns and tear gas, will solve the problem.

The logical conclusion seems to be more solidarity among wage-earners by more intensive and effective organizations, than ever before. Then, and not until then, will balance between business and employment be realized.

ORGANIZATION OF LABOR

When we speak of organized labor, we naturally think of past history. It will at once be seen that organization had, of necessity, to be the first step in making possible those particular advantages and those freedoms from abuses and exploitations to which the workers in industry had from time immemorial, been subjected.

When the American Labor movement is considered, at once there appears on the stage of history the man or men who took the bold pioneering stand and launched a blow for the common defense of the toilers in the ranks. Among these pioneers for human rights appear such leaders as Henry George, Terrence V. Powderly, Samuel Gompers, John Mitchell and others. All these have done their work and left a never ending impression upon all Labor, organized and unorganized, by their force of example and the basic worth of their constructive wisdom.

As thread must be wound upon a spool or core of some kind, so the movement to organize Labor into an effective body, both for economic advancement and political power, so the first steps naturally were associated with craftsmanship. Some over-ambitious members sought to give dominance to the political aspect of the organizations at first, and thereby ensured their own defeat. Time brought wisdom. It was seen that craft organization must be the first step, and that political considerations could only be regarded as the result of such organization. Moreover, the non-partisan policy of Labor as an organization showed its wisdom, leaving every member of a craft free to follow his own

individual political choice, unhampered and uncontrolled by any mandate of Labor, considered as an organization.

With organization of the crafts came the next logical step, that of treating with employers on schedules of hours and wages. This could be done on an organized basis only, and it never could be done in the individual capacity of the thousands of employees. It also provided a medium of common ground or meeting place, where Labor as a responsible contracting party might properly and with dignity, make a contract which would bind both parties to the accepted agreement and for the space of time set forth in such contract, ensure peace and harmony with the industry affected. As for the advantages coming from the local organizations, parties to such contractual agreements, these are too well known to need explanation.

Today, the organization of practically all the skilled trades is an accomplished fact, though many craft organizations lack the proper degree of strength and stability which can come only from the inclusion of all eligible members. The unorganized, the backward, the lukewarm, and the double-dealing inside betrayers, are factors which must be recognized and dealt with, each in its own sphere. With the gospel of organization so freely and universally accepted today, it is sad to have to admit that foes within the ranks of labor itself are the greatest menace to the orderly progress and success of the great movement.

Since 1887, when the American Federation of Labor really took the center of the stage as the foremost exponent of organized Labor, the course of the worker has been steadily onward and upward. State after state has enacted more and more liberal legislation. Proposals that were scoffed and derided twenty years ago are now accepted as a matter of course. In all this advance, Massachusetts has held a proud place, her labor laws serving as models for many states in the Union. Moreover, the tide of industrial emancipation has made its influence felt at Washington, and the efforts to further emancipate labor from some of its most burdensome conditions has long been in progress. Even reactionary interests, concerned primarily with profits rather than with human considerations, have begun to see the light. A better day is dawning for American Labor, thanks to the noble example set by the illustrious pioneers whose names have been so well recorded upon the record of human progress.

The list of beneficial acts which have been passed by the various State Legislatures, at the behest of and for the betterment of Labor, would fill a page, and the good work still goes on. But let us here and now recall that this would not have been possible were it not for the steadily pursued principle—ORGANIZATION. It has been well said, "In Union, there is strength." It may be added, in Organization and in Organization alone is strength, the strength of the Labor movement, now, tomorrow and for all time to come.

UNEMPLOYMENT INSURANCE

The Massachusetts Unemployment Compensation Law was passed by the General Court in August, 1935, and was approved by the Governor on August 12, 1935.

The Law provides for the administration of unemployment compensation in Massachusetts by a Commission of three members to be known as the Unemployment Compensation Commission, and that this Commission shall be in, but not subject to the direction of, the Department of Labor and Industries.

The Law also provides that the Division of Public Employment Service shall be subject to the supervision and control of the Commission.

In accordance with the Law, the Commission was appointed in September, 1935, and consists of—

	Term
Judge Emil E. Fuchs, Chairman	6 years
Mr. Robert J. Watt	4 years
Hon. Frank G. Allen (former Governor of Massachusetts)	2 years

The Executive Secretary was appointed in November, 1935, and a small organization was set up.

An Advisory Council was appointed by the Governor and approved by the Council on September 22, 1935, and consists of—

Representing the Public:	Term
Dr. A. Lawrence Lowell, Chairman	6 years
Prof. Amy Hewes	4 years
Mr. Philip J. Philbin	2 years
Representing the Employer:	
Mr. Albert N. Murray	2 years
Mr. Frank D. Comerford	4 years
Mr. Edward J. Frost	6 years
Representing the Employee:	
Mr. John F. Gatelee	6 years
Mrs. Mary V. Murphy	4 years
Mr. Archie W. Gillis	2 years

The Massachusetts Unemployment Compensation Law was passed prior to the enactment of the Federal Social Security Act. The Federal Social Security Act provides for certain allowances to states and to employers subject to State Unemployment Compensation Laws in those States which have in operation Unemployment Compensation Laws or Unemployment Insurance Laws which have been approved by the Federal Social Security Board. Accordingly, one of the first steps taken by the Massachusetts Unemployment Compensation Commission was to obtain the approval of the Massachusetts Law by the Federal Social Security Board. Three amendments to the Massachusetts Law as originally passed were necessary before this approval could be obtained.

The first related to Section 12, Chapter 151A, referring to the depositing of contributions in the Unemployment Trust Fund. The amendment de-

leted the words "if required by Federal Law" and was necessary because the Federal Law requires the funds to be deposited with the Secretary of the Treasury if the State is to receive moneys from the Federal Government for administrative purposes.

The second amendment related to "suitable employment" contained in Section 19, of Chapter 151A, and provides that benefits may not be denied an employee if the wages, hours or other conditions of the work are substantially less favorable to the employee than those prevailing for similar work in the locality.

The third amendment related to Section 7 of Chapter 479 and made more definite the manner in which the Law would become operative and inoperative and fixed more definitely the time at which the provisions of said Chapter requiring contributions by employers became operative.

These amendments were passed in January, 1936, and the Federal Social Security Board approved the Massachusetts Unemployment Compensation Law on February 4, 1936.

In January, 1936, quarters for the Administrative Office were obtained in the Beacon Trust Building, at 31 Milk Street, Boston.

To provide for the effective and efficient administration of the Law, the Commission and other interested parties submitted to the Legislature 16 additional amendments. These amendments were passed in April, 1936. One of the most important of these amendments provides for the maximum amount of contributions to the Massachusetts Unemployment Fund, by requiring a contribution from all Massachusetts employers in addition to the normal contribution up to 90% of the Federal tax required under Title IX of the Social Security Act.

To date the following 13 states have passed Unemployment Compensation Laws:

State	Type of Fund	Employer Contributions
Alabama	Pooled fund, with merit rating	Yes
California	Pooled fund, with separate employer accounts for merit rating only	Yes
District of Columbia	Pooled fund, with merit rating	No
Indiana	Combination—Pooled and Reserve Fund	Yes
Massachusetts	Pooled fund, with merit rating	Yes
New Hampshire	Pooled fund, with separate employer accounts for merit rating only	Yes
New York	Pooled fund	No
Oregon	Pooled fund, with separate employer reserve accounts for merit rating only	No
Utah	Employer reserve accounts	No
Washington	Pooled fund, with merit rating	Yes
Wisconsin	Employer reserve accounts	No
Rhode Island	Pooled fund	Yes

THE SHORTER WORK WEEK

For more than half a century the American Federation of Labor has been pioneering and blazing the trail for a shorter work week, the need of which was

never more urgent than it is today. For the past seven years, our country has been suffering from an economic depression, surpassing all panics and depressions that have gone before. What is needed is a shorter work week. While there has been some decrease in the hours of employment during this period due to the observance of a shorter work day and shorter work week, this has been brought about by a reduction in pay to correspond with the reduction in working hours, merely spreading the work to a greater number, but reducing the individual's purchasing power, thus lowering the general standards of American living; in substance, a system of sharing poverty.

The outstanding facts now confronting the American people is that some eleven million are unemployed. If this situation is permitted to continue, a permanent army of unemployed will exist in America, this land of great natural resources and engineering skill but with a producing power beyond the ability of the worker to consume. The trend toward increased production per capita from 1929 to 1933 is said to be twenty-seven per cent. The Federal Bureau of Labor statistics tell us that during the two years from January, 1933 to January, 1935 the average workman's output has increased ranging from seven per cent to forty per cent in our basic industries. With labor-saving devices and speed-up efficiency systems, man is fast becoming the slave of the machine instead of the machine being the slave of man.

We have looked with great interest to see the Black-Connery bill almost become a reality. This legislation was reported upon favorably both in the House and in the Senate, but for some unknown reason it has not been presented for a final vote. The American Federation of Labor has instructed its Executive Council to continue in their efforts to secure the enactment of the thirty-hour week. With privation, hunger, and suffering rampant the American Federation of Labor could press for no more important legislation than the thirty-hour week. Men and women should be enabled to enjoy the full benefits of scientific development. They should be given a chance to enjoy their leisure, develop their spiritual and cultural life, and enjoy the fine things in life. This could be accomplished to some extent by the adoption of the shorter work day and shorter work week without a reduction in wages, thus not lowering the standard of living.

There is nothing that so destroys morale, spiritual and intangible human values than continued unemployment. We lost as much and more from the destruction of morale than we lost in wages during this period of depression. It will take a long time to restore those impaired by the ravages of economic depression. Unfed, under-nourished children; impoverished men and women living on a barely subsistent level with blurred vision and destroyed hopes—that is the picture presented to us as a result of unemployment.

In the incoming year we should make a drive for the six-hour day and five-day week for a double pur-

pose: first, to create work opportunities for young men and young women who now come knocking at the door, pleading with society to give them an opportunity to earn an honest, honorable livelihood; and to repair the damaged morale of the men and women of our country who have been so let down by continued unemployment. May we fight as never before to bring about for the workmen of America a reduction in hours without a reduction in wages.

THE LABOR INJUNCTION

After more than twenty years of persistent effort, we succeeded in placing upon the Statute Book of this Commonwealth, a more or less comprehensive piece of legislation, regulating the use of the Injunction in Labor disputes.

This bill was drawn by competent attorneys of long and varied experience in the courts, and it was modified and revised by the keenest legal minds, of which we could avail ourselves.

It was amended to suit constitutional objections raised by members of the Judiciary Committee, and was finally almost wholly rewritten by a group of the best attorneys in the Commonwealth. In the form in which it was passed by the 1935 Legislature, it had the approval of the leaders of the Republican House, as well as the indorsement of the leaders of the Democratic minority. In its final redrafting, particular care was exercised to distinguish the bill from the Advisory Opinion given by the Supreme Court on somewhat similar legislation proposed in 1932. We are joined by some of the foremost attorneys in the Commonwealth in the belief that we had avoided the prohibitions of that opinion.

It was inevitable that sooner or later an attack would be made upon this statute, and now we are engaged in defending it before the Massachusetts Supreme Court. While it is a delicate matter to attempt to discuss this matter specifically, while it is before the Court, nevertheless there can be no wrong in generally commenting on the merits of the statute itself.

It is patterned closely after the Norris-La Guardia Federal law, which has been on the Federal Statute Books for a number of years, and which has not, up to the present, been successfully challenged in the Federal Courts.

It takes nothing away from the Courts which they previously had enjoyed, but simply puts the brake on, so that the precipitate rush to temporary restraining orders, based on fanciful and extravagant allegations, and unwarranted fears of irreparable damage, would be slowed up and some real, legal justification, other than mere allegation, would have to be proven, before the Court would act. In the main, the bill is mostly a Stop-Look-and-Listen Signal, in the interests of avoiding wreck and disaster to human liberties and rights.

As for the objection that it is not due process, or that it does not afford equal protection of the law, well, that is so flimsy and farcical as to merit scarcely no consideration. Its justification is based on the police power, and unfortunately, the proper exercise of police power rests in the judgment and economic philosophy of the Justices of the Supreme Court. If there is any piece of legislation which protects a larger number of people of the Commonwealth than this particular Statute, then we would be pleased to hear of it. Practically all of our citizens are workers, all workers have a right to join collectively in their own interests, and this statute regulates and defines their rights when they are assailed in the Courts. The equal protection of the law argument is one huge flop, when applied to this statute. Labor awaits with deep concern the outcome of the present test of this statute.

COMPANY UNIONS

The amazing growth of company unions throughout the United States in recent years constitutes the greatest single threat to the stability and future of the American Labor Movement.

Obviously it is the ultimate ambition of the Labor movement to expand until it embraces every single wage-earner in the land. The existence of a counterfeited organization of wage-earners strategically placed (chiefly in the mass production and public service industries) constitutes a challenge to the success of the achievement of ultimate affiliation of every American wage-earner with a bona fide Labor organization.

The bona fide Labor union is "a union of the workers, by the workers, for the workers," while the company union is "an organization of the workers, by the bosses, for the bosses." Such a union of the workers constitutes economic serfdom, and it is unthinkable that American wage-earners can long endure "half slave and half free."

Just as chattel slavery was outlawed as inconsistent with American ideas and ideals, so must company union serfdom be outlawed. The famous Section 7-A of the National Industrial Recovery Act, and the present Wagner-Connery Act is Labor's attempt to accomplish this peacefully. But, peacefully or otherwise, organized Labor has too much at stake to ignore this challenge.

Let it be remembered that our opposition to this (to use a polite term) putrid system of Labor exploitation, is not directed at the employees, but at their economic masters. It is just another phase of the war between Labor and Capital. None realize more than we do, that the employees composing these company unions consent to such membership simply through fear. No more effective method of coercion exists, than the fear of loss of one's job. Any group of workers driven together by such a method is destined to commit economic and social hari-kari.

Hari-kari, as we all know, is not simply self-destruction, but is rather an expiatory act of self-sacrifice. A certain glamour attaches to it which has an hypnotic effect upon its victims, and inspires an attitude of mild approval on the part of others. Who can deny that something of this sort of glamour does attach to the alleged "loyalty" found only in company unions? And who will deny that the public generally are amazingly tolerant toward them? It only remains to ask who will deny that the members of these boss-controlled organizations are perfectly conscious that they are victims marked for slaughter, and doomed to execute the same upon themselves?

Let us take care that we, too, do not become complacent about this American version of wholesale economic hari-kari. Let us, rather, become a band of modern abolitionists, dedicated to the proposition that the company union MUST GO!!!

CIVIL LIBERTIES

The number of professional patriots who are determined to put "progressive thinking" in a "straight jacket" is increasing. At many hearings this year, these so-called patriots were conspicuous in their advocacy of "goose-step" legislation on one hand, and on the other abusing all those whose heels didn't "click," as being subversive.

It is just possible, as many Labor leaders have claimed that these campaigns are inspired by those groups as a means to divert public attention from their own sins. They raise the cry of "radicalism" and question one's loyalty to American institutions, almost every time Labor organizations propose legislation for the protection of human rights, while the same groups just never get around to do anything about demanding rights for wage-earners. They are usually "shocked" during a strike became some "poor" strikebreaker has been molested; but they have no word of criticism for the "patriotic" armed guards whose job it is to break the heads of the strikers. At the time of writing this report, vigilante organizations of various kinds and under various names have made their appearance. These groups are fascist in character and always operate under the guise of patriotism and law and order. These groups always profess to be organized to resist force, yet they never fail to use plenty of force in reaching their objectives.

The working people of many nations have lost their birthrights, because they were hypnotized by cheap oratory, cunningly prepared by vigilante groups similar to the Sentinels of the Republic, The Crusaders, Liberty Leaguers and others of their ilk, which we have here in America. Workers must realize that what has befallen wage-earners in other lands can befall us and our children if we do not gird ourselves to battle against the forces who would web the fetters around us all.

In contrast with our comrades abroad, American Labor has both unusual opportunities and unusual responsibilities. Our people are not fettered by centuries of nationalistic hatreds, by bitter rivalries, by limited resources, by huge military expenditures; relatively speaking, we are free, through organization to carve our own objectives, to win continually higher standards of living, to enjoy the heritage of liberty and equality of opportunity. Trade unionists must face (if we are determined to protect our civil liberties) the social, political, and economic world of today with our eyes focussed upon tomorrow as well as today. We must vision the path we should follow, and resolutely work our way in the chosen direction, with intelligence and fortitude. We must be careful not to surrender liberty for promises, which, in too many instances, prove to be snares.

LABOR PRESS

The advantages of a Labor Paper are many, and the need for a Labor Press is great. Workers need to know the whole truth regarding economic conditions of today and not just that part of it which pleases the monopolistic publisher.

The publication of the various periodicals of the large unions of international affiliation do a splendid service; but this service only reaches a limited number. The need for a Labor press with a local field of endeavor is great. It should be augmented. In Massachusetts, there are now several Labor Papers, one of which is still edited by Freeman Saltus, a member of Worcester Typographical Union. This journal has done splendid service in the past; and should be more generously supported.

A liberal Labor press could do much in calling attention to our social disadvantages, as well as to our industrial ills. Its field should be as wide as human endeavor. The closer scrutiny of many social activities, as well as industrial needs, would be a part of its honest effort. The actions and reactions of our duly elected community and state officials should be fearlessly laid before the people for their information. A Labor press could perform this much needed service in an unbiased way, concerning matters that are vital to our well-being.

Every trade-unionist, as well as those of liberal minds and tendencies, should support by their subscriptions a Labor press. It, and it alone, is at present the only weapon at hand for combating the efforts toward regimenting America into a cut-and-dried Nation of Yes men. The cost is small; the returns are great.

The need for a free press in fighting for a government of the people, by the people, for the people, is here. There is no blinking the fact that more and more are the people of America becoming a Nation of lost ideals. It is fast becoming machine made—and

machine mad—with a few huge aggregations of capital supplying the necessities of life. And a reactionary, Bourbon, daily and periodical press supplying our mental pabulum.

INTERSTATE COMPACTS

Last year's report regarding the activities of this Commission gave a survey up to and including May 17, 1935. Before the end of the same month, the New Hampshire legislature passed an Act ratifying the Minimum Wage Compact, which was signed by the Governor on June 12, 1935. Near the end of May also, the United States Supreme Court rendered a decision invalidating the National Industrial Recovery Act. In consequence of this decision, a meeting of the Interstate Conference on Labor Compacts was held at Washington on June 4 and 5 to consider methods of perpetuating the basic labor provisions of the N.R.A. through interstate agreements. Representatives of fourteen states and a number of officials of the Federal Department of Labor and other Federal agencies attended. Steps were taken to add new states to the Conference, and support was sought for a resolution then pending in Congress, authorizing the states to make agreements on labor and industrial matters. Arrangements were made to meet again at Spring Lake, New Jersey, on June 28 and 29, and a delegate was sent to the Conference of Governors at Biloxi, Mississippi, on June 13 to explain the compact idea to the Governors present.

At the Spring Lake meeting, delegates were present from sixteen states, from several Bureaus and Divisions of the Department of Labor and from the Council of State Governments and the American Public Welfare Association. Ratification of the Minimum Wage Compact by the states was recommended, some changes were made in the Child Labor Compact, and the Compact on Hours of Labor was extensively discussed. The terms of the Hours Compact were not, however, fully satisfactory, so that a committee was appointed to study and revise it further. A permanent organization of the Conference was outlined, the establishment of a central office was recommended, and delegates from the several states were requested to inquire what their respective states would do towards payment of contributions or membership fees to support such an office.

The next meeting of the Conference was held at Albany, New York, on October 18 and 19, 1935. It was attended by delegates from twelve states and some outside organizations. Social Security legislation, especially Unemployment Compensation, was discussed, and a further endorsement was given the Minimum Wage Compact. A committee was appointed to confer with President Green of the American Federation of Labor to see whether the proposed Child Labor Compact could be reconciled with the pending Child Labor Amendment to the Federal Constitution. The Conference, held on December 11, 1935, did not alter the

position that Mr. Green had taken. His attitude towards other proposed compacts was favorable.

On May 1, 1936, the Governor of Rhode Island signed an Act passed by the Rhode Island Legislature, ratifying the Minimum Wage Compact. The Legislature had previously passed a Minimum Wage Law, following very closely the model bill drafted by a committee appointed from the Interstate Conference. Largely because of the initiative of members of the Rhode Island Commission on Interstate Compacts, a large volume of labor legislation has been enacted in Rhode Island this spring, including a Child Labor Law, raising the school age from 15 to 16 years and extending restrictions against employment of minors in hazardous occupations, an improved law for the settlement of industrial disputes, a law establishing a system of unemployment compensation, a law reducing the hours of women and of minors under 18, from 54 to 48 hours a week, and from 10 hours to nine hours a day.

The Resolution giving the consent of Congress to the Minimum Wage Compact had passed the House of Representatives and was pending in the Senate when, on June 1, 1936, a decision of the Supreme Court of the United States invalidated the New York State Minimum Wage Law, which was practically uniform with State Laws on the same subject in New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Ohio and Illinois. Subsequent comment indicates a difference of opinion whether a Constitutional amendment will be necessary to empower either the Federal Government or the states to legislate on subjects in this forbidden area or whether some formula may be found for State legislation which will be sustained by the Supreme Court.

Since the meeting of October, 1935, efforts have been made to aid in the establishment of a Conference in the South-Central States, and in the promotion of a Conference of States in the North-Central group.

Further studies of the Census data regarding the leading industries of Massachusetts, particularly cotton goods, boots and shoes and woolen and worsted goods, show a heavy loss in Massachusetts in all these lines, and in manufacturing generally, since 1919, though at a slower rate since 1929, than in some other competing States.

Chapter 315 of the Acts of 1935, which was pending at the time of our last report enlarges the membership of the Commission from seven to ten, by adding one Senator and two Representatives. The Senator appointed to fill the new place was James P. Meehan of Lawrence, who was one of the original members from the House of Representatives. The two Representatives appointed were John W. Lasell of Northbridge and Edward J. Kelley of Worcester. In August, the Governor appointed three new members to the Commission: Dr. Morris Peterson of Worcester, Frank A. Poor of Swampscott and J. Arthur Moriarty of Boston.

SCHOOLS—WORKERS EDUCATION

Each year the State Federation of Labor re-emphasizes the importance of workers' education and the stake of organized labor in our schools. We continually bring to your attention the deliberate cracking down upon the part of the many agencies who year after year attempt in many ways to reduce both the quantity and quality of our public education.

Our public school problem obviously includes the question of school age, child labor, teachers' oath, money appropriations for schools, reduction of personnel and the quality of education that should be afforded the children of our state.

This year we are proud to recognize the Teachers' Union. During the past year it has organized a State Council and has two additional local unions in the State of Massachusetts. This Council is a result of effort upon the part of the Workers' Education Bureau and the State Federation of Labor. Their effective work during the hearing on the Teachers' Oath Bill was worthy of praise and respect by our Federation.

It is with a sense of futility that each year we emphasize the conspicuous part played by Organized Labor in the establishment of the Public School System, when we are not doing our full share in defending it at the present time and improving upon it as we, as organized workers, should.

The part education plays in the functioning of our Massachusetts Labor Movement is hard to guess. The service has been put at the disposal of our entire membership. Two worth-while institutes have been held on current problems of the labor movement. Numerous classes have been held during the past year, yet there are some points at issue which, sooner or later, must be clearly discussed by the Federation. First, the State of Massachusetts, through its Commissioner of Education, has not seen fit to have Federal funds made available, thereby causing the entire responsibility of financing and organizing upon the Federation and upon the Workers' Education Bureau.

The second issue which retards progress seems to be that many well wishing, and for the most part unattached, groups desire to use the Massachusetts Labor Movement as a laboratory for experiment and for their own education, and, in their magnanimity, attempt to lead our people contrary to our own understanding of our own particular job. Therefore, once again we must emphasize the positive need of workers' education and the equal importance of having it at least controlled through the State Federation as it affects State matters, and through Central Labor Unions as it affects local situations.

Workers' Education has become an established phase of Adult Education. It undoubtedly will continue to grow. It will grow into the Labor Movement or away

from it in accordance with the interest manifested by our Federation and its various central bodies.

The Teachers' Union also has a two-fold problem which cannot be divided as to importance and represents, first, the need of organization among this worthwhile group of people who are so definitely the victims of every element that is opposed to organized labor as well as the depression; secondly, the teacher plays an important part in preserving our public schools and in influencing the future of our children, that they may become free citizens and prepare them to meet the hazards of their work-a-day life. A socially minded discerning teaching corps in our public schools becomes more and more the problem of organized Labor.

Last year we recommended that the central bodies take advantage of the Federal Emergency Education program. We recommend that a conference committee of the Teachers' Union be organized. We now report that the State Federation of Labor Education Committee is a functioning unit and as a result, workers' education has been maintained and advanced; teachers' unions have been maintained and advanced. State organization is one of the results, legislative action is also an accomplishment.

We now recommend that the Education Committee continue its work in three distinct fields—promote the organization of study classes, promote the organization of teachers' unions, and to more fully participate in conjunction with our State Executive Board in all matters affecting education.

We further recommend that the incoming Executive Board establish a closer relation with the Workers' Education Bureau; that the enterprise of the State Federation of Ohio and the Workers' Education Bureau be reviewed, and, if in the opinion of the Executive Board a similar plan should be adopted for our State, that they be given the necessary authority.

AFFILIATIONS

The number of local unions affiliated with the Federation has increased over the past year, as the Vice-President's reports indicate, notwithstanding the fact that conditions have not improved materially.

Your Officers have aggressively continued the campaign for new affiliations. Communications have been sent to unattached locals inviting them to join and take part in the splendid work being carried on by the Federation. In numerous instances, your Officers have appeared before local unions and enlightened the members as to what the Federation has accomplished and what advantages can be theirs by helping to make the State organization greater and more powerful. Such visitations were usually crowned with the success of having the local union affiliated.

With serious problems confronting wage-earners of Massachusetts, and with our usual opponents organized thoroughly, Labor cannot over-estimate the need of solidarity within its ranks.

It will be noted, as in other years, that a few organizations are running behind in their per capita tax, and a number have, as usual, been disbanded or withdrawn from the State Federation of Labor, but our real problem is the continued unemployment, with the resultant loss of membership, by many local unions.

It has been demonstrated over the years that unity of action and organization of workers is the only hope if we are to combat the encroachment of our organized opponents. It has been fully demonstrated that there are many questions affecting the interests of wage-earners, which cannot be dealt with in special or separate groups. It has been proved that the best result may be attained through the State Federation of Labor, where all local unions may join in helping any particular group needing assistance.

There are still a large number of organizations who are always ready to avail themselves of the benefits of not only legislation enacted, but all other efforts of the State Federation of Labor. These locals apparently are willing that others should carry the burden of financing the Federation, but they should not forget that the State Federation of Labor watches the interests of their organization at the State House and endorses or protests in the name of all the workers.

Delegates to the Convention will be pleased to note from this report that the Massachusetts State Federation of Labor is now in the strongest position, both numerically and financially, of its history.

Delegates are respectfully urged to assist the Officers elected for the ensuing year, in having unaffiliated local unions in their respective cities and towns join with us in making the Massachusetts State Federation of Labor more powerful than ever before.

REGIONAL CONFERENCES

Conferences in the several districts were conducted as usual this year, under the direction of the Vice-Presidents of the Massachusetts State Federation of Labor, with the assistance of the Central Labor Union officials of the cities in which they were held.

Interest in these gatherings seems to be definitely increasing. Large attendance marked practically every meeting, indicating strongly that our members of affiliated unions are more keenly concerned with the important problems confronting Labor, than ever before.

As is the practice, the legislative program of the Federation was outlined and explained in detail, and usually a general and thorough discussion developed.

Bills sponsored by the Massachusetts State Federation of Labor, and others introduced by affiliated organizations, as well as many other measures concerning Labor become known to members at these conferences.

Many other matters are thoroughly discussed by the Officers of the Federation, after which an open discussion is conducted.

This year such important matters as unemployment, unemployment insurance, labor party, child labor, labor spies, and the collective bargaining bill were among the subjects most popularly discussed.

Besides the educational value along lines of legislation and national affairs, the conferences offer an opportunity to learn of the objects of the Federation, and encourages unions not affiliated to join in making the Massachusetts State Federation greater and more effective.

The President, Secretary, and Legislative Agent attended the several conferences, which were held:

February 23rd at Springfield
March 1st at Lowell
March 8th at New Bedford
March 15th at Worcester
March 20th at Boston
April 5th at Brockton

UNION LABELS

The importance of the union label cannot be too strongly impressed upon our members, and we urge their loyalty in purchasing everything possible under the union label.

It is not sufficient for a member of organized labor to purchase a suit of clothes with a union label—each member should educate those of his family to do the same. Even in buying children's clothes, the union label should be asked for and a great many articles for the home as well. They are obtainable, and, if each and every one of our members is conscientious about purchasing goods with the union label, which is the greatest guarantee of good workmanship, a great deal of good will be accomplished towards maintaining satisfactory working and living conditions for all of us.

It is also important that our members continue to ask for union label articles. Merchants want to carry goods that customers insist upon, and, therefore, if all our members demand union label articles, the merchants will be only too glad to carry them. It is an established fact that our members do not continually ask for union label goods, because frequently merchants will tell us that they have little or no call for union label articles.

In addition to purchasing goods with the union label, we should patronize only those barber shops, etc., which display the union shop cards and where the operators,

bartenders, etc., are members of organized labor and are so designated by the union button.

Furthermore, our members should look for the mark of union constructions, such as union electrical work, which is so designated by the "union label" on the electrical meter board.

Remember, therefore, that in purchasing goods and service indicated by the union label, cards, stamps and buttons (refer frequently to the official directory of the American Federation of Labor), you will be co-operating fully with members of organized labor, and helping to eliminate foreign and sweat-shop competition.

HOUSING

The existence of bad housing and slums results in public evils, social and economic. Such conditions are unquestioned and unquestionable. Slum areas are the breeding places of disease which take toll not only from denizens, but, by spread, from the inhabitants of the entire city and state. Juvenile delinquency, crime and immorality are there born, find protection and flourish. Enormous economic loss results directly from the necessary expenditure of public funds to maintain health and hospital services for afflicted slum dwellers and to war against crime and immorality. Indirectly, there is an equally heavy capital loss and a diminishing return in taxes because of the areas blighted by the existence of the slums. Concededly, these are matters of state concern, since they vitally affect the health, safety and welfare of the public.

At the last Convention of the State Federation, held at Springfield, a resolution was adopted which called upon the officers of the Federation to present legislation to the State Legislature with a view of obtaining authorization for cities and towns to appropriate money to be used as a subsidy in slum clearance and the rebuilding, in their stead, of low-rental housing for the lower-paid workers, as well as authorizing the Commonwealth to appropriate a limited amount of money for the erection of homes in various parts of the state. In view of the fact that such legislation would require the services of one familiar with the legal pitfalls and limitations set forth in the State Constitution, and because of the expense involved in such service, the Executive Council decided to permit the State Board of Housing to petition for such legislation, feeling sure that this Board had more knowledge and facilities for the method of approach to such legislation.

Two petitions were presented by the State Board of Housing, in conformity with the Resolution adopted by the Convention last year. One bill called for permission of cities and towns to appropriate money for low-rental housing and slum clearance. This bill was reported favorably by the Legislative Committee, which heard the report on it, but was referred to the Next Annual Session for consideration. About the middle of

May, the State Board of Housing, in conjunction with the State Federation of Labor, the Massachusetts Civic League, and other interested groups, requested Governor Curley to send a special message to the General Court, asking for the revival and passage of this piece of legislation (S. 226), and at this time of writing, the Governor's message is pending in Committee for action. The other bill, calling for appropriation by the Commonwealth of State moneys to be used for housing purposes, was heard by the Committee on Ways and Means, and it was voted that no legislation was necessary.

Regarding housing legislation in our national Congress, as a result of our deliberation a national Labor Housing Conference was called in connection with the Convention of the American Federation of Labor, held at Atlantic City last fall. Both at the Convention, and at the Conference, Vice-President Carroll represented the Massachusetts Federation of Labor at no expense to the Federation.

The Housing Conference at first did not appear to be a success, but it did result in the adoption by the Federation of Labor of a resolution calling for the creation of a Housing Committee, to promote public participation in the form of legislation to be enacted by the national government. We are pleased to report that the American Federation of Labor is now taking a real live interest in the problem of housing for the lower-paid worker. An active committee was appointed as a result of the action of the Convention at Atlantic City, composed of M. J. Colleran, President of the Plasterers and Cement Finishers International Union; John Caulfield of the Plumbers and Steamfitters International Union; Mr. Bates of the Bricklayers and Masons International Union.

Through the action of the American Federation of Labor, and with the assistance of the National Labor Housing Conference, together with other organizations, a bill was presented to the Congress of the United States, known as the Wagner-Ellenbogen Bill. This bill was referred to the Senate Committee on Education and Labor, headed by Senator David I. Walsh, who held hearings for several weeks on the merits of the proposed legislation. At these hearings, Vice-President Carroll represented the Massachusetts State Federation of Labor in the promotion of this bill. An American Federation of Labor committee, headed by President Green and Senator Wagner, waited upon the President of the United States, urging his assistance for the adoption of the bill into law, and also urging that Labor be represented on the national Housing Authority, to be set up in accordance with the terms of the bill.

The Housing Authority, to be created for the operating machinery of this law, is to be composed of five persons, four of whom are to be appointed by the President, with the approval of the Senate, with the Secretary of the Interior acting as chairman by virtue of his Cabinet position.

The bill is intended to take over all the presumed activities of the present none-too-active housing administration in Washington. There is to be an appropriation under the terms of this bill of \$100,000,000 per year for four years, and this money is to be used as a subsidy for slum clearance and low-rental housing, with the right to raise money on bond issues for the purpose of lending to the various localities for housing purposes.

At the present writing, this bill has been reported favorably by the Senate Committee on Education and Labor, and is pending action by the House and Senate.

The Massachusetts State Federation of Labor can well feel proud of being the first to sponsor the pioneering of public participation in housing legislation. This Federation has brought great pressure upon its local and national representatives for the adoption of the housing legislation now pending for action by the State Legislature and by Congress. The activities of the Federation in the housing field, no doubt had an influence on the plank which was adopted at the Democratic Pre-Primary Convention, calling for public participation in slum clearance and low-rental housing.

REPORT OF EXECUTIVE COUNCIL ON LABOR PARTY REFERENDUM

Several resolutions were presented at the 1935 Convention of the Massachusetts State Federation of Labor, proposing the setting up of a Labor Party in Massachusetts. The Resolution Committee, after consideration, submitted a substitute resolution calling for a referendum of all affiliated organizations in Massachusetts, in order to ascertain the opinion of our membership regarding the establishment of a Labor Party by the Massachusetts State Federation of Labor. After a great deal of discussion, the delegates in attendance at the Convention voted to amend the report of the Resolution Committee, by referring the entire matter to the incoming Executive Council for study and action, and to report their findings at the next Convention.

After several months study, and since it was the opinion of the Executive Council that it would be difficult to report intelligently to the next Convention, unless an opportunity was given to our affiliated membership to vote on this important question, the Council voted to send a referendum to all affiliated Central Labor Unions and local unions in Massachusetts.

On February 28, 1936, the following explanatory communication with the attached ballot was mailed to all affiliated organizations with the request that returns be made to the Massachusetts State Federation of Labor before May 29th, 1936.

February 28, 1936.

To All Affiliated Local Unions:

Greeting:

At the Fiftieth Annual Convention of the Massachusetts State Federation of Labor, the entire matter dealing with a Labor Party was referred to the incoming Executive Council for study and action, with instructions to report to the next Convention.

As you know, the established policy of the A. F. of L. has been to seek, regardless of party affiliation, the election of legislators and officials whose records evidence their support of our efforts; and in like manner, the policy of the Federation has been that we could attain the best results for the labor movement in this non-partisan way by helping our friends and opposing our enemies.

To secure equally good results through a third party, we should have to elect at least enough members to hold a balance of power between the two major parties. To secure better results, we should have to elect a majority in the Legislative and Executive branches. The proponents of a Labor Party assert their belief that either one or the other can be accomplished.

Whether one prefers to continue the present policy or to change to the third party method, everyone must admit that such a change would necessitate an almost complete revision of our state and local organization constitutions with a system of financing based upon an increased per capita tax levied upon the members of our local unions. However, if the membership feels that a Labor Party would produce real benefits for our people beyond those obtainable under the present methods, the difficulties of reorganization would, of course, be no valid objection to the proposal.

Our Executive Council in requesting a referendum vote urge that you impress upon all your members at their next regular meeting that they study well the pros and cons before voting on the official ballot which is attached.

Please detach ballot, fill in and sign, and return, to the Massachusetts State Federation of Labor, Room 1222, 11 Beacon Street, Boston, Massachusetts, before May 29th, 1936.

Out of a total of 435 affiliated organizations, on February 28, 1936, to whom ballots were mailed, 180 organizations voted on the question and returned their ballots with the following result:

REFERENDUM BALLOT TABULATED

QUESTION: Do you favor the organization of an Independent Labor Party in Massachusetts by the Massachusetts State Federation of Labor, and an increased per capita tax sufficient to make such a policy effective? Yes, 4,884; no, 15,145; neutral, 7; blanks, 176. Total, 20,212.

REPORT OF COMMITTEE ON TAXATION

The Committee on Taxation was created at the last Convention of the Massachusetts State Federation of Labor held at Springfield, of which Vice President John Carroll was appointed Chairman. This Committee was authorized to investigate and advise with the Executive Council of the Federation, on all matters dealing with the problem of taxation. Our first approach to the problem was the effect of taxation on real estate, particularly on the home owner.

Many meetings entailing lengthy discussions on that phase of the problem were held at the office of the Federation in Boston. At some of these meetings we invited and had in attendance, a recognized authority on taxation — Commissioner Henry Long of Corporations and Taxation for the Commonwealth of Massachusetts. As a result of the many discussions held with the Commissioner, at which he gave us generously of his time and advice to the best of his ability, your Committee realized what a man-sized job was assigned to us, and that anything we might do in the way of recommendation, would be committing the Federation to a policy for which all affiliates would have to bear a certain amount of responsibility.

Simultaneously with our activities, a number of organizations, including real estate exchanges, etc., petitioned for legislation calling for a definite tax limitation of \$25 per thousand on real estate, and sought our support for the promotion of such legislation. Your Committee felt that Labor should not lend its support to the proposed legislation without a more comprehensive study of its effects, notwithstanding that we are in full and complete sympathy with a substantial reduction of taxes on real estate, particularly homes. Following are some figures bearing on our position in this respect.

There were over \$20,000,000 in tax titles at the beginning of 1935. At the same time, the cities and towns of Massachusetts had not collected approximately \$60,000,000 due them on real estate. If we were to promote the tax limitation of \$25 per thousand referred to above, representing a deficit roughly of \$45,000,000 in our annual income, some means would have to be found for raising the monies required to cover that deficit.

With a general average tax in Massachusetts representing approximately \$1,025,000 per day, as it is, the ever-increasing rise in general taxation will become apparent from the following comparative figures showing material growth in the cost of our Government in the last few years.

On April 1, 1925, the total assessed valuation of our real estate amounted to \$5,560,636,090; on January 1, 1935, the figure was \$5,804,726,812, being an increase of only 4.4%.

Comparing this assessed valuation **with the taxes** on land and buildings during the same period of time, we find that on April 1, 1925 the taxes amounted to \$158,630,301, while on January 1, 1935, they amounted to \$201,591,869, thus showing an increase in taxes of 22% over an increase in property value of only 4.4%.

Real estate in Massachusetts in 1931 paid 50.8% of the total amount of taxes collected, and in 1935, it paid 54% of the total. The average tax rate in the state was \$33.38.

The total amount of taxes due cities and towns on January 1, 1935 was \$74,000,000.

The total taxes collected for all governments in Massachusetts on November 30, 1935, was \$371,352,182. On November 30, 1925, the figure was \$237,380,127. There was thus an increase in the latter of these two dates of 36%.

The general rise in the cost of government will be evident from the following figures

In 1911 —	\$102,894,895.
In 1923 —	249,840,146.
In 1925 —	237,380,127.
In 1928 —	330,000,000.
In 1935 —	371,352,182.

Increase in taxation has gone hand-in-hand with increase in the number of tax titles failing to pay. The relative number of tax titles held for failing to pay between the years 1929 and 1935 is significant:

In 1929 —	14,464 titles.
In 1930 —	21,874 titles.
In 1931 —	22,209 titles.
In 1932 —	37,692 titles.
In 1935 —	65,275 titles.

The assessed value of the real estate represented by these titles is in the neighborhood of \$600,000,000.

The amount due on tax titles on January 1, 1935 was \$19,848,822.52.

Real estate exempt from tax (Assessors' value) in 1934 was \$1,353,944,820; in 1933 it was \$1,341,393,889; in 1932, \$1,493,000,000, or almost one-fifth of the total value of the property. (This property is all religious and educational as well as hospitals, U. S. post offices, state forestry, armories, et cetera.)

From 1923 to 1932, the value of tax-exempt property increased 43% while the value of taxable property increased only 17%. The provisions of the law permitting property tax-exemptions to quasi-philanthropic organizations should be revised so as to remove these exemptions. (For example the Y. M. C. A. does not pay taxes).

The above statements of facts and figures warrant us in recommending to the Convention that we con-

tinue our studies of the whole problem of taxation and from time to time report to the Executive Council of the Massachusetts State Federation of Labor, our opinions based on the facts disclosed, with such recommendations as might be seen fit to make on the matter of taxation, in which the people of this state are vitally concerned.

Respectfully submitted,

JOHN CARROLL, Chairman
WILLIAM E. G. BATTY
CHARLES B. CAMPFIELD
SYLVESTER J. McBRIDE
DANIEL J. McCARTHY

REPORT OF COMMITTEE ON SAVINGS BANK LIFE INSURANCE

At the 50th Annual Convention of the Massachusetts State Federation of Labor held at Springfield, October 5th to 9th, 1935, a Resolution was adopted (Resolution No. 22) directing the President to appoint a committee "to be known as the Committee on Savings Bank Life Insurance whose duties it shall be to co-operate with the state division of Savings Bank Life Insurance in bringing the advantages and benefits of Savings Bank Life Insurance to the attention of all members of the Massachusetts State Federation of Labor". Pursuant to this Resolution, President John F. Gatelee appointed the following Committee on Savings Bank Life Insurance:

Harold U. Faulkner, Federation of Teachers No. 230, 26 Barret Place, Northampton.

Charles W. Short, Barbers No. 30, 21 Sanford Street, Springfield.

Silas N. Lapham, Barbers No. 385, 32 Boardman Street, Salem.

Harry Hogan, Carpenters No. 177, 55 Litch Street, Springfield.

George L. Paling, Moulders No. 39, 85 Winthrop Street, Taunton.

B. P. Winchester, Carpenters No. 885, 155 Bedford Road, Woburn.

Wesley D. Richard, Wireworkers No. 19859, 984 Main Street, Worcester.

Fred Pezzini, Secretary, United Rubber Workers No. 18363, 11 Richelieu Court, Springfield.

William J. Small, Gas and Coke Employees No. 18538, 7 Royal Street, North Randolph.

Edward F. Doolan, United Textile Workers No. 24, 384 Spring Street, Fall River.

Thomas Chapman, Secretary, Barbers No. 284, 388 Main Street, Fitchburg.

Arthur J. King, Machinists No. 481, 43 Phillips Street, Greenfield.

Edward M. Foley, Moving Picture Operators No. 397, 11 North Avenue, Haverhill.

Abraham Pearlstein, Secretary, News Wagon Drivers No. 259, 88 Waumbeck Street, Roxbury.

Christopher Lane, Secretary, Hotel & Restaurant Employees No. 34, 184 West Canton Street, Boston.

John Dailly, Bricklayers No. 3, 56 Saxton Street, Dorchester.

Bernard F. Smith, Boot & Shoe Workers No. 38, 23 Main Street, Brockton.

Katherine Greene, Federation of Teachers No. 195, 35 Sargent Street, Cambridge.

Robert E. Meehan, Machinists No. 634, 508 Medford Street, Charlestown.

Adam Kurtz, Carpenters No. 1372, 32 Cherry Street, Northampton.

Arthur H. Green, Secretary, Painters No. 563, 15 Campbell Road, Framingham.

Earl H. Palk, Secretary, Plumbers No. 482, 28 Warner Street, Gloucester.

Arthur A. Elliott, Moving Picture Operators No. 425, P. O. Box 345, Pittsfield.

Costanzo Pagnano, Granite Cutters, Bus. Agent, 102 Quincy Street, Quincy.

Archie Turconi, Secretary, Thread Workers No. 2228, 362 High Street, Holyoke.

John Wade, Typographical No. 51, 207 Saratoga Street, Lawrence.

Edward C. Eno, President, Lowell Central Labor Union, 23 Fort Hill Avenue, Lowell.

William H. Davis, Teamsters No. 42, 10 Cloverly Street, Lynn.

Herbert Severs, United Textile Workers No. 36, 123 Hathaway Street, New Bedford.

John F. Reardon, Boot & Shoe Workers No. 40, 118 Main Street, Milford.

Arlington W. Moran, Bartenders No. 125, 46 North Street, North Adams.

Charles H. Crowley, Firemen No. 3, 6 Stafford Street, Roxbury.

The Committee reports that at the meetings listed below Savings Bank Life Insurance has been explained by a representative of the division of Savings Bank Life Insurance from the State House, either Mr. Talmage Grady, Field Instructor, or Clyde S. Casady, Supervisor of Agencies or the Deputy Commissioner, Judd Dewey. At each meeting the opportunities afforded by this unique Massachusetts system were explained, literature and rate sheets distributed and an opportunity given for questions to be asked by those present and for personal inquiries to be made following the meeting:

- Sept. 17 Painters No. 11, Boston, Wells Memorial Hall.
- 20 Boston C. L. U.
- Oct. 17 Fall River C. L. U.
- 21 Everett Gas and Coke Employees No. 18538.
- 27 Hotel & Restaurant Employees No. 34, 184 West Canton Street, Boston.
- Nov. 7 Railroad Machinists No. 301, Boston.
- 20 Worcester C. L. U.
- 21 Lawrence C. L. U.
- 22 New Bedford C. L. U.
- 30 United Textile Workers (Weavers Local) New Bedford.

- Dec. 2 Chauffeurs, Teamsters & Helpers — Local No. 42, Lynn.
- 5 Lowell C. L. U.
- 8 Holyoke C. L. U.
- 9 Haverhill C. L. U.
- 9 Cambridge C. L. U.
- 17 Northampton C. L. U.
- 17 Newspaper Chauffeurs & Distributors Local No. 259, Boston.
- Jan. 2-3 Carpenters Union No. 177, Springfield.
- 5 Wire Workers Local No. 19859, Worcester.
- Feb. 9 Teamsters & Chauffeurs Union No. 25, Boston.
- 27 Fitchburg Barbers Union No. 284.
- Mar. 3 Lawrence Typographical Union No. 51.
- Apr. 6 Painters Union of Worcester.
- 9 Boston Street & Electric Ry. Emp. No. 589.
- May 2 Worcester Textile Workers Local 1841.
- 3 Worcester Chauffeurs & Helpers No. 170.
- 8 Worcester Textile Workers—Local 2194.
- 8 Worcester Textile Workers—Local 2331.
- 20 Fitchburg C. L. U.

The committee is glad to report that Savings Bank Life Insurance has made rapid progress during the past year. While the amount of new business written by the commercial companies has declined about 5% as compared with their new business a year ago, the new business written in the savings banks as compared with the same period a year ago has increased about 25%. There are 47 companies writing life insurance in Massachusetts including the savings banks, but in 1935 the gain in insurance in force in the savings banks was almost as much as the gain in all of the other 46 companies put together. That Savings Bank Life Insurance is being bought increasingly by wage-earners is shown by the fact that while a great deal more of it is being sold than a year ago the average size of the policy has decreased showing that wage-earners are increasingly buying Savings Bank Life Insurance to take the place of the expensive and wasteful weekly premium policies. The average saving for each wage-earner who changes from weekly premium insurance to Savings Bank Life Insurance is about \$1.00 per week.

The lower cost of Savings Bank Life Insurance as compared with industrial or weekly premium insurance in the big commercial companies makes it possible for wage-earners to keep their Savings Bank Life Insurance policies in force so that the lapse ratio in the savings banks is only about 2% as compared with about 70% in the weekly premium companies.

Your committee recommends that the committee on Savings Bank Life Insurance authorized under Resolution No. 22 be continued as a standing committee of the Massachusetts State Federation of Labor with authority in the President to add to the committee and to fill such vacancies as may occur so that further progress may continue to be made in bringing the advantages of this Massachusetts system to the attention of our members.

REPORT OF THE COMMITTEE ON HEALTH INSURANCE

**Appointed by the Executive Board in accordance with
Resolution No. 57 of the 50th Annual Convention.
August, 1935.**

At the 50th Annual Convention of the Massachusetts State Federation of Labor held at Springfield, Massachusetts, during August, 1935, the delegates in acting upon Resolution No. 57 which deals with health insurance, referred the resolution to the incoming Executive Board for investigation and study with instructions to submit a report together with recommendations to the next Annual Convention.

Acting upon this resolution, the Executive Board appointed a Committee on Health Insurance to make the necessary investigation and recommendations. In consequence thereof we, the committee, hereby report that we have made a study of this subject and that we are submitting herewith our findings.

In acquiring the information on this matter, it was necessary that we consult the work of experts on this subject.

The committee gratefully acknowledges its indebtedness to Abraham Epstein, Executive Secretary of the American Association for Social Security, who not only advised us by correspondence and furnished literature in connection with the study but who also came to Boston on Saturday, June 6th, on his own time and expense to meet with your committee and to give them much valuable assistance in the preparation of their report.

Your committee has given careful consideration to the Resolution on Health Insurance and hereby submit the following:

We believe that as soon as there has been adequate consideration of the details of legislation, the State Federation of Labor should sponsor a bill for a general system of health insurance for wage-earners, supported by enforced contributions from employers, employees and the State, and that such legislation is likely to prove of the greatest value in relieving distress and promoting the general welfare.

We are satisfied that from information obtained from reports and personal observation that the suffering from sickness is particularly great among those of small means. When wage-earners are ill there is the combined effect of loss of income and increased expense occasioned by the illness. Frequently this combination makes it necessary for the family to appeal to charity.

No one today questions the urgent need of legislation for more complete medical services. Your committee discovered from reliable sources that in normal times illness accounts for about 50 per cent of the causes of poverty, and that it affects especially the un-

employed. Illness affects the working men especially because they suffer a greater amount of sickness than any other groups in the population. Although comprehensive studies have shown that workers pay a higher ratio of their earnings for medical care than even the richest groups, the great mass of wage earners today receive no adequate medical care and about 47 per cent of the people in the lowest income group have no medical, dental or optical care whatsoever.

Although the studies by the Committee on the Costs of Medical Care show that the American people today spend over \$3,500,000,000 for medical care, a considerable proportion of our people go without adequate medical services, while thousands of doctors and dentists are idle. This anomaly is due entirely to the individualistic system of medicine which is practiced today.

About 50 per cent of the doctors' fees go for overhead while the bulk of medical practitioners earn an income of less than \$2,500 a year. Generations of experience have shown that workers can get adequate medical care only through a better distribution of the risk of sickness. For many years workers have realized this need by organizing fraternal and friendly societies and by attempting to procure help through their trade unions.

Voluntary organizations, however, have never met more than a small proportion of the need and a much wider system is necessary if the American people are to get adequate medical care.

For over fifty years many European countries have adopted a system of health insurance which is now in operation in over forty countries. This system makes possible a better distribution of the medical costs by a governmental plan of compulsory insurance to which the workers, their employers and their governments make regular contributions. Out of these funds adequate care is provided for all the insured. The workers are paid part of their wages while sick in order to support their families and doctors are paid for their services. Wherever adopted, health insurance has proven the greatest blessing to the workers and the public as a whole. It is favored everywhere by the workers as well as by the doctors.

We believe that a health insurance bill should be prepared which provides for an adequate system of health insurance applicable to the Commonwealth of Massachusetts, and one that overcomes many of the difficulties encountered abroad and does provide an American system which is capable of bringing the greatest benefits to the working masses.

We therefore recommend to your Council not only the endorsement of health insurance but the presentation of a bill in the next session of the Massachusetts Legislature providing for a system of health insurance.

Respectfully submitted,

FRED J. GRAHAM,
Lawrence Central Labor Union

JOSEPH SALERNO,
Amalgamated Clothing Workers,
Boston, Mass.

WILLIAM BARON,
Weavers No. 1,
New Bedford, Mass.

PHILIP COYLE,
Typographical No. 165,
Worcester, Mass.

DAVID TAYLOR,
Federal Labor Union No. 18385,
Springfield, Mass.

STATE UNION LABEL COMMITTEE

To the Officers and Delegates at the 51st Annual Convention of the Massachusetts State Federation of Labor:

Your Committee is not satisfied with the progress made since the creation of the State Union Label Committee by the Convention held here in this City of New Bedford, in August, 1931.

While the results obtained by our activities have been fair, they have not been good.

In the effort to centralize the advertising program of all the label trades of the state, the Massachusetts State Federation of Labor, through its Label Committee has been very successful in bringing to the minds of members of the organized labor movement, the necessity of united action in the spending of hard-earned money in the direction of creating employment.

Our Committee has made some progress in proving to the consumer that he or she is no longer a forgotten person. That the consumer can, by using the power of purchase, force on the shelves of merchants, products and service that are manufactured under fair conditions of employment, by insisting upon, when purchasing articles and service, as indicated by the Union Label-Shop Card and Union Button, the emblems that are symbolic of the Fair Deal.

Consumers are indicators of business, each a mercury in the thermometer that regulates the rise or drop of employment. So why not have the indicator always point to Fair and Warmer by counting ten and using your purchasing power to the best advantage for those depending upon you for a job?

Think, think, think, that the Union Label seeks and desires the widest possible publicity of its object; the fullest and most complete investigation of its purpose and that co-operation from our members, friends, and sympathizers which will constantly and continually

bring more sunshine, happiness and pleasure into the lives of our people.

To provide ways and means to maintain a system of advertising the insignia of the several label trades, it is necessary for each local union to appoint label committees to conduct a vigorous campaign among consumers and merchants.

The Boston Central Labor Union, through its Label Section, has functioned perfectly in and around the Boston District. We suggest similar activity be inaugurated in all other Central bodies.

Daily newspapers have been generous in printing statements of Label Committees, which deserves mention of appreciation. Labor periodicals have also devoted their columns in the interest of all labels, cards and buttons, with telling results.

Label activity is devoid of all the strife of the wage and condition items of our program, and in its silent way will go a long way in solving these mooted questions by the vigilance of union members and their friends, when purchasing the necessities of life. Remember that organized labor and their families expend over two billion dollars annually, for the necessities of life, and what an organizing force this amount would be if spent for products and service as indicated by the Union Label, Shop Card and Union Button.

In concluding this report, we wish to thank all those who helped in any way to promote the use of the Union Label, particularly the President, Secretary and other members of the Executive Council, who at all times were willing to extend their help and assistance.

Respectfully submitted,

DANIEL HARRINGTON, Chairman
MARTIN J. CASEY
CHARLES MORRIS
CHARLES SHORT
NATHAN SIDD

REPORT OF COMMITTEE ON POWER

The Committee on Power held two meetings of the full committee since the last Convention and did an effective piece of work for the crafts employed by the Boston Elevated Railway. This was in relation to the purchase by the Boston Elevated Railway of the Chelsea Division of the Eastern Massachusetts Road.

That is all that has been accomplished, inasmuch as there is a certain amount of direct negotiations and policy making to be carried on by the various crafts regardless of this Committee. It now appears that it is not possible for either the Massachusetts State Federation of Labor or a voluntary group of the crafts

working jointly, to either formulate or carry on plans for a State program of coordinated action by Labor as it relates to the question of light, heat, and power.

Your Committee in no sense can condemn individual local unions from carrying on negotiations and reaching satisfactory agreements with Power Companies, when an opportunity presents itself. It cannot object to locals bringing cases before the Department of Public Utilities and completing the same to their own satisfaction. It is, however, obvious that such procedure should be a true expression of the desires and wants of the crafts affiliated with the Power Committee of the State Federation. Until such time as the crafts involved wish to subject themselves to a certain understanding, whereby the concern of one craft is the concern of all, it appears rather foolish for the Massachusetts State Federation of Labor to attempt to further coordinate this activity or to formulate what might be termed to be a State Federation policy on the question of light, heat, and power.

We therefore recommend that the incoming administration of our State Federation be empowered to call together such crafts as may be concerned or interested in any question of light, heat, or power, and until a problem presents itself, your Committee should be of considerable assistance, not only to the State Federation, but to the crafts themselves.

Respectfully submitted,

HARRY A. RUSSELL, Chairman
CHARLES B. CAMPFIELD
GEORGE E. CAPELLE
HERMAN KOSTER
NEIL A. F. DOHERTY
CHARLES O'REILLY
WILLIAM F. EGAN
JAMES NELSON

REPORT OF THE COMMITTEE ON EDUCATION

At the last convention of the Massachusetts State Federation of Labor a resolution was adopted instructing the President to appoint a Standing Committee on Education to consist of fifteen members to compile, analyze, and interpret the material dealing with the problems of labor contained in the text books now and hereafter to be used in the public schools of the Commonwealth of Massachusetts and the working conditions under which these text books are produced.

It is readily seen that the task before your committee to carry out the provisions of this resolution is of no small magnitude and will require time in order to acquire the necessary information, facts and data to secure beneficial results. It is a subject that Labor is keenly interested in and in which Labor played no small part in this Commonwealth in establishing and developing our present free public school system. It

is logical to contend that Labor is vitally concerned, as expressed in the resolution, in knowing where and under what conditions textbooks are printed and that a true picture of Labor's contribution to the economical, political and social development of our nation and other leading nations of the world be presented to our school children in the books that are used in our public schools.

It is obvious to your committee that a program should be outlined to carry out the purpose of the resolution and offer the following recommendations:

That a questionnaire be sent to all School Boards throughout the Commonwealth with two questions to be asked, viz.:

- 1st—The list of textbooks that are being used.
- 2nd—That a list of the publishers be requested.

In view of the fact that the publishers of textbooks have them produced in both union and non-union plants, it was felt by your committee that with the data in the hands of the various Allied Printing Trades Councils throughout the Commonwealth, that your committee would be in a position to know whether the books are published under union or non-union conditions.

Your committee also recommends that personal calls be made on members of all school boards by members of the committee, and that all Allied Printing Trades Councils and Central Labor Unions be asked to cooperate regarding the above questionnaire.

Your committee further recommends that the members of the committee who are members of teachers' unions compile, analyze and interpret the contents of textbooks especially pertaining to social, economic and political studies, and submit their findings and opinions to the committee for further action.

Your committee further recommends that the President appoint a Vice-President, or some other affiliated member of the Federation for the coming year to act in the capacity of an adviser and help to facilitate the work ahead of the committee.

Respectfully submitted,

J. ARTHUR MORIARTY
JOHN D. CONNORS
WALTER A. SIDLEY
FRED W. RINGDAHL
HAROLD W. FAULKNER
HENRY W. NELSON
KENNETH I. TAYLOR
PHILIP COYLE
MARTIN J. CASEY
ANTHONY DEANDRADE
JOHN J. CONNOLLY
JOSEPH A. DART
JOHN BADARACCO
DUGALD MacCALLUM
CHARLES W. MANN

PRESIDENT'S REPORT

It is a pleasant task indeed for me to complete the record of my stewardship of our great organization.

With the flattering indorsement given myself and my colleagues on the Executive Council by the Fiftieth Annual Convention, I proceeded to convene the Council early in September to carry out the mandates of the Convention and to plan our program for the year.

At this first meeting, I appointed many committees to discuss and study the various matters with which we were charged, such as Committee on Power; on Massachusetts State College Curriculum; on Workmen's Compensation; on Health Insurance; on Savings Bank Life Insurance, and on Taxation.

At this time also, I recommended to the Executive Council that we retain the services of the Honorable Samuel B. Horovitz, possibly the best-informed attorney on Workmen's Compensation in the entire Commonwealth. Mr. Horovitz had offered to give us the benefit of his services and advice for the sum of one dollar per year, and let me say that the Council was not slow in accepting this extremely generous offer.

As a result of this connection, we are able to offer to this Convention the draft of an exclusive State Fund Bill, which is probably the finest and most complete piece of legislation on the subject ever brought forth in any State in the Union. I recommend that Attorney Horovitz be given a special period during the Convention to analyze his bill for the benefit of the delegates.

For the purpose of drawing a proper measure to carry on the provisions of the National Wagner-Connery Disputes Act, so that they might be applied to interstate commerce in Massachusetts, I appointed the Honorable J. Frank Reel to draw a proper bill, which was later known as the Baby Wagner Act, and this service was rendered by Attorney Reel at very little expense to the Federation.

The course of this important piece of legislation will probably be traced in the report of the Legislative Agent, but I feel bound to narrate my personal experiences in behalf of this measure. On Tuesday, June 16th, the bill was killed in the State Senate on a strict party vote—17 Democratic Senators voting for the bill, and 18 Republican Senators voting against it. Reconsideration was moved for action on Monday, June 22nd.

On Saturday, June 20th, in company with the Assistant Legislative Agent, Kenneth I. Taylor, I went to the Republican Convention in Springfield and conferred with many leading members of the Republican Majority in the State Senate and pointed out to them that in making this bill a party measure, and in voting against it solidly, they were breaking the pledge of

their own National Republican Platform, which platform they had wholly approved in their State Convention in Springfield. Despite this patent hypocrisy on their part, they stuck to their discreditable intentions and in the face of my personal attempt to change the views of individual Senators in the Senate corridor on Monday morning, I was chagrined to see this important piece of legislation defeated on a straight party vote of 19 Democratic Senators in favor, and 20 Republican Senators opposed.

I recommend that this situation be referred to the Non-Partisan Political Committee of the Executive Council with appropriate instructions.

At this meeting, I appointed Vice-President Carroll to act in behalf of the Council in all matters pertaining to housing and sub-standard areas, and I am sure that the Vice President has served with honor and distinction, and his report is self-explanatory.

On the subject of a "labor party" which was referred to the Executive Council for "study and action"—I resolved the Executive Council into a committee of the whole, with instructions to bring in recommendations for consideration at subsequent meetings of the Council.

Just prior to this first meeting of the new Council, Governor Curley had again demonstrated his high regard and consideration for our movement by appointing Secretary-Treasurer, Legislative Agent Bob Watt to a Commissionership on the Unemployment Compensation Commission. I had discussed this possible appointment with the Secretary, prior to the action of the Governor and I strongly urged that he accept this appointment if it were proffered, as I felt, and still feel that this position offered great opportunities for valuable service to the labor movement and that he was particularly fitted to render that service in the highest degree.

The appointment and acceptance presented material for the consideration of the Council and after due deliberation it was unanimously voted to request Secretary, Treasurer-Legislative Agent Watt to continue to serve us as heretofore with the proviso that I would appoint an assistant to act as legislative agent under the advice and guidance of Secretary Watt.

Let me state at this point that as soon as Secretary Watt was sworn into office as Commissioner, he voluntarily ceased to draw any salary from the Massachusetts State Federation of Labor.

This entire action has my unqualified approval, as there exists no good reason why Bob Watt should divorce himself from his official duties as Secretary-Treasurer, any more than the employer's representatives on the commission should give up their private business connections to serve on the commission. And further, as the law provides that one of the commissioners shall be one representing Labor, I see no sense

in disassociating our representative from Labor because of this appointment.

Later, this matter necessitated the appointment of an assistant legislative agent and in this connection I asked the advice of many of the leaders of various affiliated groups in an effort to secure the services of the best available man. Perhaps this was not good tactics on my part, as it developed that no name was brought forward at this informal conference who was an outstanding choice, and therefore, I appointed Kenneth I. Taylor, president of the Typographical Union of Springfield, and this nomination was approved by an overwhelming majority of the Executive Council.

Furthermore, this appointment met with the full approval of Secretary Watt, and as he was charged with the responsibility for our legislative program, it seemed only fair that he should approve of his own assistant.

In this connection, I am charged by the Executive Council to recommend to the Convention that the Constitution be amended, so that in the future, such an emergency can be handled by the officer charged with the responsibility, and therefore, I recommend that "Article IX of the Constitution and By-Laws shall be amended by adding Section 3 to provide 'that the Secretary, Treasurer-Legislative Agent may appoint an assistant, who shall be subject to the approval and consent of the Executive Council, at a salary to be approved by the Executive Council. The tenure of office of such an assistant shall not exceed the tenure of office of the Secretary, Treasurer-Legislative Agent.' "

In late November, at the request of the Governor, six names were presented to His Excellency for the selection of three representatives of Labor, to serve as members of the Advisory Committee of the Unemployment Compensation Commission (unpaid).

Later, the Governor advised the Secretary that he had appointed Mary V. Murphy, Archie Gillis and myself to that Committee.

Acting upon previous instructions from the Executive Council, the Secretary, Treasurer and myself, released news articles and also a letter to the Governor, urging the appointment of James T. Moriarty to the office of Commissioner of Labor and Industries. At a subsequent conference, granted to the Secretary-Treasurer and myself by His Excellency, we personally advocated the appointment of James T. Moriarty, and we are happy to say that the Governor reacted favorably to our presentation, and for the first time in history, the office of Commissioner of Labor and Industries in Massachusetts, is occupied by a real, honest-to-goodness labor leader in the person of the Honorable James T. Moriarty.

Starting in February, six regional conferences were held, and of course, the value of these yearly meetings, coming in the midst of the legislative session, are

of great benefit to our movement and their continuance is highly desirable and possible, and should be made the subject of a Constitutional enactment.

In February, after long and earnest deliberation on the part of the Executive Council, a questionnaire in the form of a ballot was unanimously adopted for distribution to all local unions affiliated with the Massachusetts State Federation of Labor, to sound out the sentiment regarding the formation of a Labor Party.

This questionnaire and the result of the balloting is the subject of a special report herein.

Acting upon available information concerning the special report on discrimination against elderly people, which report was about to be made, I contacted the Commissioner of Labor and Industries, and in company with a sub-committee of the Executive Council, inquired fully into this question.

After a review of a full and frank discussion, it was our unanimous opinion that the report was far from being a complete and true picture as we understood it. Therefore, we urged that the making of such a report be postponed until such time as more time and thought could be given to the matter. In this request, Commissioner Moriarty cooperated with us to the fullest extent.

Upon the plea of John Lawson of the Vermont Federation of Labor, and International Secretary of the Quarry Workers of America, the Massachusetts State Federation of Labor agreed to help in a drive for funds to help in the marble strike now in progress in Vermont. Although it is not the practice of the Federation to assume the details of such a drive, we found ourselves left with the greater portion of the burden and were forced to devote much valuable time and effort to this cause.

The machinery of the State Federation of Labor is not so constituted as to carry on such activities, and I hope that our action in the case of the Vermont Marble Strikers will not be used as a precedent for further campaigns of like character, involving the personnel of the State Federation.

It is fitting to mention here, that at this time, we have lost the services of our highly regarded assistant to the secretary, Miss Geraldine Murphy. Over a period of years our "Gerry" has endeared herself to all of us and we were reconciled to the parting, only by the realization that she was to serve in a larger sphere the interests of the workers, in the capacity of private secretary to the Commissioner of Labor and Industries. Indeed, our great loss was Commissioner Moriarty's gain.

Our relations with the Works Progress Administration have been very cordial, and we are indebted to Major John J. McDonough, Director of Employment Division, for his friendly advice and sincere coopera-

tion. We have succeeded in placing many representatives of Labor in key positions in this set-up.

At this time, the Minimum Wage Law of the State of New York was being attacked before the Supreme Court in Washington, and it was urged that Attorney-General Paul Dever be asked to appoint the Honorable Dean Acheson of Washington, D. C., as Special Assistant Attorney-General to represent Massachusetts before the Court as our own Minimum Wage Law for women and children was nearly identical with the New York Act. It was necessary to get Governor Curley to intervene before we could get favorable action from the Attorney-General.

Despite the arguments of able counsel, a bare majority of five of these justices whose minds have become embalmed and in whose aged breasts human sympathy and understanding has long since withered, and died, decided that the sovereign State of New York did not have the right to throw the protective cloak of humane legislation around the exploited women and children in industry.

It is without question the crowning infamy of a series of ignoble decisions hewed from a Constitution which was originally intended only to guarantee to all people the simple rights of life, liberty and the pursuit of happiness.

In this emergency, I contacted Governor Curley and Attorney General's office and also the Commissioner of Labor and Industries, and a new bill, based on the public health of women and children, and embodying all of the provisions of our former act was drafted and passed in the last hours of the legislature. For this achievement, due credit is given to Commissioner Moriarty, Governor James M. Curley and Assistant Attorney General Ronan. We are barely hopeful that this new enactment may survive the devastating scrutiny of our censorious Bench.

As was to be expected, the judicial test of our so-called Anti-Injunction Bill is now in progress, and the case, listed as Hubrite Informal Frocks, Inc., vs Phillip Kramer, et als, No. 3551, in Equity, Suffolk, ss., has been argued and briefed by the very able attorneys in the employ of the International Ladies Garment Workers of America.

Recognizing the great stake that all of Organized Labor has in the decision emanating from this case, I took it upon myself to get permission from the Massachusetts Supreme Court to intervene as a party at interest and under a process called "Amicus Curiae", I engaged the Honorable Henry Wise to file an additional brief, defending the legislation from other angles than those cited in the original brief. Let me hasten to say that in no way do I intend to reflect upon the ability or the diligence of the attorneys representing our defendant union, but with such an important decision pending, I felt entirely justified in briefing every bit of law possible.

I am profoundly impressed with the efforts of all the attorneys who have contributed to this defense. My action was later unanimously endorsed by the Executive Council. We are awaiting the decision at least with prayerful hope.

I have been charged by the Executive Council with recommending to the Convention that the State Federation of Labor file a bill in the next legislative session providing for the popular election of judges. As this is in direct line with former well-established policy, I so recommend.

I cannot close this report without bragging a bit about our general good health.

Financially, numerically and in morale, we have reached the highest peak which our organization has attained in all of its fifty-one years of effort. With many thousands of dollars on hand, free from all debt, with over fifty new affiliations this year, and with every member of the official family working in closest harmony, I am both proud and happy to thus terminate my stewardship of this great organization. I have been greatly honored in its accomplishments.

To our wonderful Secretary, Treasurer and Legislative Agent, Bob Watt, I give full credit. Keen of mind, untiring in his efforts, this human dynamo has counselled, advised and collaborated with me throughout. He is truly an outstanding asset to our movement.

I make due acknowledgment of the full cooperation and assistance of all of the Vice Presidents, and indeed, of all leaders of affiliated unions when I called upon them for aid. With such a spirit of cooperation and such an example of real team-work, it would seem to me that our State Federation of Labor is only at the dawning of a bigger and better day for the working men and women of this industrial Commonwealth.

Respectfully submitted,

Signed: JOHN F. GATELEE,
President.

VICE-PRESIDENTS' REPORTS

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

Since our last Convention at Springfield, it has been my pleasure and privilege to assist the Officers of the Federation in every way possible.

Many of my activities are covered in the special reports on Housing and Taxation, both of which took a great deal of my time. I have assisted Francis P. Fenton, American Federation of Labor Organizer in New England, in helping to promote the organization with which he is occupied. I arranged for a Regional Conference at Brockton and attended the conference when held.

I have also attended Committee hearings in the Legislature on the bill for the repeal of the prevailing rate of wages, which our opponents were seeking to make into law.

I appeared before the Committee on Judiciary, seeking the repeal of the Teachers' Oath Bill, and have served in numerous other capacities in behalf of the Federation, including a trip to Washington in the interest of housing legislation. I have also served on the Educational Radio Committee.

The general information one gathers in activities so varied and extended over a period of years, warrants the expression of some opinion as to how Labor might gain the results desired for itself and workers in general.

On close observation, I have come to realize that a large number of working people within and without the circles of our Organization, yes, including men in the Legislature, may go about with little or no knowledge of the great benefits that come to them through the Labor movement. Few people indeed know that organized labor has been responsible for the payment, say of workmen's compensation to the widows and orphans of workers maimed, injured or killed while at work. Few people know of the great volume of social legislation which is now on the statute books as a direct result of activities on the part of organized labor.

But the lack of knowledge, or appreciation of workers, and the public in general of our activities, may be due in large measure to that ignorance or indifference for which we ourselves must take some responsibility. Witness the free text books and free schooling in general, which we are tacitly permitting to be as antiquated as most of the laws by which we are governed in a society which is supposed to be concerned with the well-being of a general public, living in the twentieth century.

In the older days, we depended largely on the willingness of some of our members to preach the gospel of Labor within their own small circles. Today, the number of Labor enthusiasts preaching Labor's gospel is even smaller in proportion than before. On the other hand, every successful business organization of which I know, has materially changed its approach to the problems of today as against the policies of yesterday. Those which haven't have made no material progress.

It is, therefore, my judgment that Labor must find ways and means for publicizing its own glorious efforts in its own way, and in a manner in which the rank and file of our people may become appreciative of the contribution which we in the Labor movement are making for their success and well-being. Modern instruments for the proper dissemination of the facts and activities of organized Labor **could and should be utilized by Labor**, through Labor's own efforts, instead

of tenaciously holding on to outworn means, or of vainly seeking the favor of those who have the newer means, but not the required interest in the dissemination of the facts and the philosophy of Labor.

I am confident that when we do find our own ways and means for the publicizing of our doings in the modern way, in which all successful organizations must operate today, then Labor will not find it so difficult in being heard and heeded by the rank and file of our people at any time we might be calling for their support in electing our friends and defeating our enemies.

Affiliations:—Macaroni Workers, 150; Marble and Tile Setters, 18; Mailers, 84; Plasterers, 10; Federation of Teachers, 441; Hotel Employees, 161; Plumbers and Steamfitters, 276; Gas Workers, 19353; Federation of Teachers, Cambridge; Freight Handlers, 822; Carpenters, 275; Lathers, 142; Plumbers, 289.

Respectfully submitted,

JOHN CARROLL,
Vice-President, District 1.

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

During the past year, I devoted considerable time to visiting local unions and helping out in organization work, especially among the newer organizations. Since the demise of the N.R.A., a number of these newer organizations have found the going very difficult due to some extent to the lack of experience and to the open hostility of employers who were held in check to some degree while the N.R.A. was functioning.

However, in many instances, the determination to organize has been cemented after having once tasted the benefits of collective action. It is my observation that the desire of wage-earners to organize is steadily growing stronger—many of whom now realize that their only protection is in a union.

I accepted all assignments it was possible for me to attend. During the legislative session, I gave whatever time I could, to attending hearings on legislation affecting labor and canvassed local legislators.

The Regional Conference held in Boston, at the Boston Central Labor Union Headquarters, proved as interesting and enlightening to our people as it always has, since Mr. Watt has held the office of Secretary-Treasurer-Legislative Agent. Assistant Secretary Kenneth I. Taylor proved an able and efficient assistant in giving a resume of this year's legislation. The meeting was largely attended, and is being looked forward to as a yearly event.

I wish, at this time, to express my thanks and appreciation to the officials of local unions and others, for their cooperation and assistance during the past year.

Affiliations:—Macaroni Workers, 150; Mailers, 84; Federation of Teachers, 441; Plumbers and Steamfitters, 276; Federation of Teachers, Cambridge; Carpenters, 275; Plumbers, 289; Marble and Tile Setters, 18; Plasterers, 10; Hotel Employees, 161; Gas Workers, 19353; Freight Handlers, 822; Lathers, 142.

Respectfully submitted,

J. ARTHUR MORIARTY,
Vice President, District 1.

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

As one of your Vice-Presidents for the First District of Boston, I hereby submit to you a report for the past year. To all the requests from the locals and members of our Labor Movement, I have given my services when asked to do so, and know that I was able to accomplish some of the things they were seeking. I have tried to do everything that was possible on the program you set out for me to do at our last Convention, relative to legislation beneficial to Organized Labor.

At the State House and in Somerville, I have kept in contact as much as I was able with the men who are representing the district, urging them at all times to support our measures.

The Regional Conference for District One was held at the Boston Central Labor Union this year and was well attended and very instructive to the delegates. It is my opinion that we should continue these conferences.

I attended whenever possible the meetings of the various unions and by personal appeal for purchase of union label products stressed the affiliation with the State Federation of Labor.

In closing this report may I say that I did the best that I could and urge you all not to forget our slogan, to help our friends and defeat our enemies, not only at the State House, but in our local branch of Government, which appears that we do not pay much attention to.

Affiliations:—Macaroni Workers, 150; Mailers, 84; Federation of Teachers, 441; Plumbers & Steamfitters, 276; Federation of Teachers, Cambridge; Carpenters, 275; Marble & Tile Setters, 18; Plasterers, 10; Hotel

Employees, 161; Gas Workers, 19353; Freight Handlers, 822; Lathers, 142; Plumbers 289.

Respectfully submitted,

MICHAEL J. O'HARE,
Vice President, District 1.

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

It has been a great privilege for me to represent the Second District during the past year.

The opportunity to serve on various sub-committees of the Executive Council has been most welcome.

Perhaps the most important assignment of that kind was to assist in the formulation of a new State Fund Workmen's Compensation Act. This work was most agreeable, since I have been actively interested for the past sixteen years in this subject and have perhaps made some small contribution to the improvement and enforcement of our present Act, as well as in the promotion of our previous State Fund Bill. I certainly hope the efforts of Secretary Watt, Vice President Carroll, Attorney Horovitz and myself in this matter will meet with the complete approval of all interested in the promotion of a State Fund Workmen's Compensation Act. Our efforts certainly were painstaking and conscientious. Too much praise cannot possibly be given to our Attorney, Samuel B. Horovitz, whose share was the major one, and I am sure in the judgment of the entire committee, constitutes a most valuable contribution to this subject.

The sub-committee on taxation offered a further opportunity to serve the Federation in an increasingly important field. Chairman Carroll's report covers this subject fully, and I subscribe to that report 100 per cent.

As the only textile worker serving upon the Executive Council, it has been my duty and privilege to assist in the negotiations incident to the further suspension of the so-called six o'clock law for women in the textile industry. There have been several conferences both before and since passage of the present suspension. Our efforts in this matter resulted in what are deemed to be valuable understandings reached between textile labor, textile employers and the Commissioner of the Department of Labor of the State.

May I take this opportunity to go on record publicly that Commissioner James T. Moriarty has rendered a service and cooperation to the Textile Industry and its workers of a very high order. No one could have done more. Long may he reign.

The Regional Conference for the Second District,

held on Sunday, March 8th, at New Bedford, was most successful. A large attendance evidenced great interest in the work the Federation is so successfully carrying on.

It has been a continuing pleasure and honor for me to be associated with the officers and executive council members of the Federation, who, without exception, have given unstintingly of their valuable time and talents, and have worked harmoniously, and I think effectively, for our affiliated locals and for labor generally.

The following locals have become affiliated during the past year from the Second District.

Affiliations:—Electrical Workers, 437; Silk Workers, 1803; Teamsters, 526; Typographical, 161; Engineers, 471; Musicians, 214; Longshoremen, 1336; Railway Clerks, 68; Rayon Workers, 36-A; Lathers, 254; Stove Mounters, 40; United Textile Workers, 2192.

Respectfully submitted,

WILLIAM E. G. BATTY,
Vice President, District 2.

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

As your Vice President of the Third District, I submit my report of the year's activities to the delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor.

I have attended all meetings of the Executive Council and endeavored to carry out all assignments given to me by President Gatelee and Secretary Watt, in an effort to further the program adopted by the delegates to the last Convention.

Conditions in general in the Third District have improved somewhat since our last Convention, both in regard to organization and employment of our members.

I am pleased to report that the Lowell Central Labor Union, since their reorganization, has become a militant group, dedicated to the cause of wage-earners in that City and Officers and delegates of that organization should be commended for their work in making such progress and the establishment of a real organization with affiliations of nearly 100 per cent.

The Regional Conference in the City of Lowell was largely attended by trade unions all over the Third District, who showed a keen interest and apparent satisfaction with the work as carried on by Secretary Watt and Legislative Agent Taylor.

I have tried to keep in touch with the Senators and Representatives in this district and at all times I have urged the support of our measures.

At the Legislative Hearings on Beacon Hill, the Third District was well represented by trade unionists who recorded their organizations both for and against legislation, which organized labor was interested in.

With the United States Supreme Court ruling against the N.R.A., and more recently, their decision in Minimum Wages, the unorganized have been turned back to the sweat-shop and exploitation. This is very apparent in the District which I represent, and I trust that this Convention will give this matter careful and serious consideration and arrive at some solution of this serious problem.

During the year I have attended many meetings of the various organizations in the Third District, and have been available to render whatever services I could for the rest of the members.

The Executive Council meetings, although not at all times unanimous in opinion, have been extremely interesting, with a spirit of harmony and cooperation always our goal.

The association with my colleagues on the Executive Council has been a privilege.

I wish to take this opportunity to thank the Officers and members of the Third District for the splendid cooperation they have shown me during the past year, and to express my thanks to the Officers of the Massachusetts State Federation of Labor, and Miss Kane, the Assistant Secretary.

Affiliations:—Building Laborers, 175; Electrical Workers, 1006-B; Hosiery Workers, 105; Gas Workers, 19428; Operating Engineers, 352; Painters, 39; Steamfitters, 499; Machinists, 41; Hotel Employees, 290; Post Office Clerks, 1707; Boot and Shoe, 702.

Respectfully submitted,

MATTHEW P. MANEY,
Vice President, District 3.

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

As one of your Vice Presidents of the Massachusetts State Federation of Labor, I submit to you my report for the past year.

I have done all that was possible to further the program that was assigned to me in relation to legislation which would be helpful and beneficial to organized labor. I have endeavored to keep in touch with the

Senators and Representatives from this district, urging at all times their support for the measures sponsored and favored by the Massachusetts State Federation of Labor.

With the exception of one meeting, when I found it impossible to be in attendance, I have attended every meeting of the Executive Council of the State Federation of Labor.

Since the last Convention, I have received many requests from local unions who are not affiliated with the State Federation of Labor, regarding the per capita tax and other matters. To all of these requests I have paid particular attention and rendered every assistance to the local unions in this district.

Under the Public Works Administration, and the Works Progress Administration, it has been my pleasure and privilege to assist many local unions so that their membership might be able to secure gainful employment through the Governmental set-ups.

During the year I have spoken before many local unions in this district who are not affiliated with the Massachusetts State Federation of Labor, and as a result, as this report will indicate, we have had a fair degree of success.

Conditions, particularly in the building trades industry during the past six months, have shown a slight improvement, and in some instances it has been possible to take men who were employed under the Works Progress Administration set-up and place them in private employment.

In March of this year, the Regional Conference was held in Worcester and I invited all unions in Worcester County, both affiliated and unaffiliated, to attend. The Conference was very well attended and I am sure the fine report that was rendered by Kenneth I. Taylor, the acting Legislative Agent, was an incentive for those organizations not affiliated to become a part of the State Federation of Labor.

At this time I want to express my appreciation of the efforts and cooperation of all unions in this district for the very fine help and assistance they have been willing to extend to me at all times.

I also appreciate the splendid cooperation of my colleagues on the Executive Council.

Affiliations:—United Textile Workers, 2384; United Textile Workers, 2421; United Textile Workers, 2329; Beverage Dispensers, 97; United Textile Workers, 2220; Operating Engineers, 468; Bartenders, 92; Carpenters, 867; Hotel Employees, 96; United Textile Workers, 2464; United Textile Workers, 2270; Engineers, 75; Meat Cutters and Butcher Workmen, 221; United Textile Workers, 2432; United Textile Workers, 2420.

Respectfully submitted,

PATRICK J. BEGNEY,
Vice President, District 4.

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

As Vice President of the Fifth District, I wish to submit this report of our activities in this section.

I attended all the meetings of our Executive Council and frequently attended hearings at the State House on important labor legislation.

This year, we were busy as usual trying to form new organizations and improving conditions in other unions already organized. Workers that have lost some of the working benefits with the passing of the National Industrial Recovery Act, provide good material for new unions.

The Amalgamated Clothing Workers and the International Garment Workers put on an extensive organizing campaign in this district during the past year. During this campaign, it necessitated a strike of some garment workers, and I assisted them in every way possible and am glad to report it ended in a most satisfactory settlement for the workers. While there is still a lot more work to be done, I feel we have been very successful, considering the type of employer it was necessary to deal with.

In February of this year, the Regional Labor Conference was held in Springfield, to which I invited all unions in Western Massachusetts. This Conference was largely attended and, as always, proved to be very interesting and instructive.

I have continued to assist the "younger" organized unions and to reaffiliate some of the older unions which have lost their membership in the State Federation of Labor, due to the depression or other reasons, by appearing before their meetings to explain to them the advantages and benefits of membership in the State Federation of Labor.

At this time, I wish to express my appreciation of the efforts and cooperation of the various unions in this district, as well as the Springfield Central Labor Union, and the Executive Council of the Massachusetts State Federation of Labor.

Affiliations:—Machinists, 481; Electrical Workers, 710; Brewery Workers, 143; Garment Workers, 226; Tailors, 295.

Respectfully submitted,

CHARLES E. CAFFREY,
Vice President, District 5.

REPORT OF THE DELEGATE TO THE FIFTY-FIFTH ANNUAL CONVENTION OF THE AMERICAN FEDERATION OF LABOR.

As your delegate to the Fifty-Fifth Annual Convention of the American Federation of Labor, held in Atlantic City, New Jersey, October, 1935, I respectfully submit to the delegates to this Convention the following report:

In accordance with the instructions of the delegates to the 50th Annual Convention of the Massachusetts State Federation of Labor, I presented the following resolutions:

RESOLUTION NO. 114, providing that the American Federation of Labor consider the advisability of taking such action as would establish a system of insurance similar to the Massachusetts System of Savings Bank Life Insurance in every State in the Union. After considerable discussion which brought out the fact that wage earners in the United States paid nearly three quarters of a billion dollars yearly for the weekly insurance, and the substitution of Savings Bank Life Insurance would save to the worker half that amount, the delegates voted to refer the matter to the Executive Council for action. At the time of writing this report no action had been taken by the Executive Council.

RESOLUTION NO. 115, provided that the Federation seek legislation making compulsory the coverage of occupational diseases in workmen's compensation laws. It further provided that the Federal Government establish Federal grants in aid to match appropriations for the conduct of State pooled funds which would cover occupational diseases or accidents. This resolution presented by your delegate was reported favorably by the Committee on Legislation and approved by the Convention. Its passage ought to be helpful in overcoming the handicaps which some States are under at present. The Resolution further provided that the United States Department of Labor would investigate the consequences of unrestricted competition in health standards for the purposes of determining whether the citizens of progressive states are penalized in interstate commerce by the mining and manufacture within states which afford little or no protection to the wage earners.

The Convention, which lasted from October 7th to 18th, accomplished a great amount of work. Two hundred and fifty resolutions covering a variety of subjects, ranging from anti-lynching legislation to the invasion of Ethiopia by Italy, were acted upon by the delegates.

There was a great deal of interest among the delegates in the resolutions declaring for peace and condemning Nazism and Fascism. Among resolutions dealing with European Nazism and Fascism approved

by the Convention were resolutions to boycott German made goods and opposing participation by the United States in the Olympic games.

A great deal of time was taken up discussing the Governmental Bureaus such as the C.C.C., W.P.A., P.W.A. and other agencies. The Federation demanded the payment of union wage scales and adoption of union conditions on all relief projects and proposed legislation which would prohibit the "kick back" to employers of wages paid on such projects.

The Convention, after a lengthy discussion, instructed the Executive Council to proceed to secure a legislative investigation of strike-breaking agencies who, the delegates declared, were making it a business to supply professional strike-breakers and armed guards to spy upon and betray the legitimate activities of the trade union movement.

Twenty-four resolutions were presented, all dealing with the question of industrial unionism. Thirteen of these were proposals to organize the workers in mass industries and eleven were requests for charters in specific industries. The action of the Convention after days of bitter argument was to ratify the action of the 1934 San Francisco Convention along with the approval of issuing a charter for the cement industry.

Another matter which took a great deal of time was the discussion of the thirteen resolutions dealing with a Labor Party. The vote taken the closing day of the Convention opposed the establishment of a Third Party, and reaffirmed the Federation's support of the traditional non-partisan political policy under which the friends of Labor, regardless of party, are supported, and the enemies of Labor opposed.

A change in the Constitution which will be of interest to the delegates, was the Amendment providing that no organization officered or controlled by Communists, or any person espousing Communism or advocating the evident overthrow of our institutions shall be allowed recognition or representation on any Central Labor Body or State Federation of Labor. This change in the Constitution only applies to Central Bodies and State Federations and leaves to the International and National Unions the right to deal with the matter as they deem best.

An extensive organizing drive among the Iron and Steel Workers and the Automobile Workers was approved by the delegates. The discussion brought out the fact that the corporations dominating these industries were those who are making constant attacks on the wages, hours and working conditions of workers. This group of employees were further charged as using an elaborate spy system which was responsible for imposing a form of serfdom upon the wage earners in these industries.

The Convention instructed the Executive Council to make ratification of the Child Labor Amendment one

of the major issues of the Federation and to request State Federations and Central Bodies in States that have not already adopted the Amendment to mobilize all their forces in campaigns favoring the ratification.

The delegates soundly condemned the American Liberty League and the unethical tactics and methods used by that organization in their efforts to have legislation sponsored by the Federation declared unconstitutional. The Convention declared that although the Liberty League professed to give disinterested views and legal opinions, the group consisted of chiefly corporation lawyers who would in the main give the kind of opinion desired by the client.

The convention urged the enactment of socially constructed health insurance by Congress, and the individual states. The resolution which brought about this action pointed out that workers in the United States during times of illness are not only confronted with loss of wages, but are forced to pay high hospital and medical bills which frequently force them into poverty and debt. Health insurance, it was brought out, has been in successful operation in all industrial nations for more than a generation, but has been completely ignored in the Social Security Act recently passed by Congress.

Another important matter acted upon by the Convention was the subject of Housing. The delegates voted for a system of long term public housing, which would guarantee a minimum standard of decency in housing for all families. The Convention defined housing as meaning not merely dwellings, but planned neighborhoods, including adequate educational and recreational facilities and suitable meeting halls for community and social life. They further proposed the establishment of properly financed Federal, State and Local Housing Authorities with bona fide labor and consumer representation.

The Convention regarded the Child Labor provisions of interstate compacts providing uniform standard conditions of employment and minimum wages for women and minors as a medium opposed to the ratification of the Child Labor Amendment. State Federations of Labor were warned by the Convention to exercise the highest degree of care in approving any compact which may contain provisions governing the labor of children.

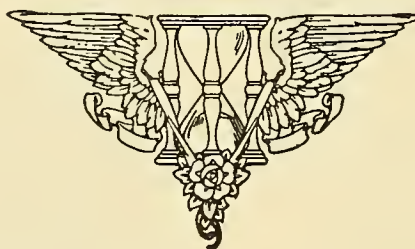
Many other matters, including anti-injunction legislation, the Guffey Coal Act, National Textile Legislation, Anti-Lynching Legislation, Federal Aid to Public Schools, Slum Clearance and Low-Rent Housing, Minimum Wage Legislation, and many other important measures were discussed at length by the delegates and approved by the Convention.

Although this report may seem quite lengthy, I have not attempted to cover every action of the Convention, rather have I tried to confine myself to the outstanding actions and features which I know are of particular interest to the delegates attending this Convention.

I appreciate the privilege again conferred upon me by the delegates to the last Convention in selecting me as their delegate. I hope it provided me with an opportunity to render more intelligent service to the cause of wage earners in Massachusetts, which both you and I are interested in. For this opportunity, I am indeed grateful.

Respectfully submitted,

Robert J. Watt



REPORT OF ASSISTANT SECRETARY-TREASURER LEGISLATIVE AGENT

To the Officers and Delegates to the 51st Annual Convention of the Massachusetts State Federation of Labor:

Greeting:

The following is a report of your assistant legislative representative, outlining the activities and legislation before the Great and General Court during its 1936 session.

Legislation extremely important and beneficial to Labor was considered, some measures being enacted into law, others defeated, and still others defeated because of Labor's opposition.

Outstanding among the bills submitted this year, were the Massachusetts Labor Relations Bill, a bill to curb the use of labor spies and "undercover operatives" for purposes of undermining and eliminating unions. Other important measures were the Child Labor Amendment, raising the compulsory school age from 14 to 16 years; Teachers Loyalty Oath; Minimum Wage Law; Old Age Pension and the Machinery Tax measure. All are outlined in this report.

Labor's bill to curb the use of spies and "undercover" operatives successfully passed the House and was rejected by a very narrow margin in the Senate. In fact, the measure would have been adopted had Senator Miles of Brockton and Senator Erickson of Worcester not changed their vote during the roll call.

The so-called "Baby Wagner Bill" also met with the same fate in the Senate. Notwithstanding the Republican party pledge to "protect the worker's rights", adopted at their national convention, every member of that party in the Senate opposed the bill.

In submitting this report, I have not attempted to cover all the activities of the Federation, nor to include the many interesting assignments not particularly relating to legislation, but instead, I shall endeavor to outline the work done, and comment on legislative matters in which the Federation and affiliated organizations were interested.

BILLS FAVORED BY LABOR AND ENACTED INTO LAW

Minimum Wage Law

HOUSE BILL 1961: A message from His Excellency, the Governor.

An Act Amending Certain Provisions of the Law relative to the Determination and Establishment of Minimum Fair Wage Standards for Women and Minors.

Passed by the House, June 24; passed by the Senate, June 24; signed by the Governor, June 25. Now Chapter 430.

On June 1st, the United States Supreme Court invalidated the Minimum Wage Law of New York State. This action jeopardized similar laws existing in many other States, including Massachusetts. The effect of this unfavorable decision tends to eliminate the protection given to women and minors engaged in industry with respect to the Minimum Wage provided for them. Not only will unfair employers expand their exploitation of women and minors, but the broad effect will undoubtedly be to retard the seeming possibility of industrial recovery.

Thirteen years ago the same Court rendered the Minimum Wage Law for the District of Columbia unconstitutional. With the knowledge of the Court's objections in that instance, the New York Law was drafted with the hope that it might surmount the attitude of the highest Court.

As the Massachusetts Law is practically identical to that of New York, it was felt that during this session of the General Court some remedy should be offered by way of amending our present statute in order to have a law in effect that would protect the women and minors of this Commonwealth.

Consequently, Governor Curley submitted a special message to the Legislature suggesting certain amendments to the present Law. It seemed necessary to approach the problem from an altogether new angle. This was done by declaring that oppressive and unreasonable minimum wages for women and minors seriously impaired their health, lowered their morals, compelled public contributions to enable them to exist, and seriously threatened the stability of industry by creating unrest among the affected employees.

In the main, the new measure is similar to the old one except that the administration thereof is referred to a new Commission, which consists of the Commissioner of Labor and Industries, the Commissioner of Public Health and the Commissioner of Public Welfare.

It is generally felt that because of the new approach to this problem the constitutionality of the new Minimum Wage Law will not be questioned.

However, if our highest tribunal continues to feel that even this Law abrogates our fundamental and constitutional "freedom of contract", and "due process of law" it will then appear that we cannot protect our women and minors through legislation under our present Constitution.

Old Age Assistance

HOUSE 1905: By the Committee on Ways and Means.

An Act Relative to the Old Age Assistance Law, So-Called.

Passed by the House, June 30; passed by the Senate, June 30; signed by the Governor, June 30. Now Chapter 436.

Since legislation was originally enacted providing for old age assistance for citizens of Massachusetts, the minimum age required has been 70 years. Many other undesirable features have been embodied in the law, which, in many cases, have prevented worthy citizens from receiving the Old Age Assistance.

This new measure improves the situation considerably. Instead of the age requirement being 70, it is now 65.

Another important change is the amendment providing for children to support their aged parents, if able to do so. The new law strikes out the so-called "child support parent" clause.

Bill Regulating the Practice of Barbering and Conducting of Barber Schools

SENATE BILL 488: Substituted for House Bill 6 (petition of Barbers' Registration Board).

An Act Further Regulating the Practice of Barbering and the Conducting of Barber Shops, Barber Schools and Barber Colleges.

Passed by the House, May 27; passed by the Senate, May 27; signed by the Governor, June 2. Now Chapter 314.

This measure is a decided improvement over the present law regarding the practice of barbers and the conduct of barber shops, schools and colleges.

An important amendment adopted, was the prohibition of price cards in windows of barber shops. This may contribute to the efforts being made to stabilize prices and curb the chisellers in the barbering business. Unfortunately, a law is not in effect standardizing prices, but at least this prevents price-cutting barbers from advertising their unreasonably low prices.

The bill sets forth a provision for an inspection of any new barber shop and requires a fee of \$5.00 therefor. Registered barbers are not permitted to employ unregistered barbers, under the terms of this bill, and minimum age of apprentices is established at 16 years.

Employment of Certain Minors

HOUSE BILL 405: By the Massachusetts State Federation of Labor.

An Act Relative to the Employment of Certain Minors.

Resolve (House Bill 1598) substituted by Committee on Labor and Industries. Passed by the House, May 13; approved and adopted in the Senate, May 19; signed by the Governor, May 25. Now Chapter 28.

The original petition (House Bill 405) would allow the Department of Labor and Industries authority to conduct hearings and determine whether particular trades, processes or occupations were hazardous or unhealthful to minors under the ages of sixteen and eighteen. Sections 61 and 62 of Chapter 149 specifically set forth certain occupations hazardous and injurious to minors under the ages of sixteen and eighteen respectively.

Attorney General Joseph E. Warner has ruled, however, that the Department of Labor and Industries is powerless to add occupations to either category in view of the exactness of the present law.

Statistics expose the present sections of law as being antiquated. Modern machinery, mass production and speed-up systems are problems evidently not contemplated when the present law was enacted. Minors employed at certain occupations are being injured and maimed because of inexperience and immaturity.

House Bill 1598 provides for an investigation of trades and occupations that may be hazardous and unhealthful to minors under the ages of sixteen and eighteen. The bill further provides an appropriation of \$1,000 and also calls for drafts of any legislation necessary, which is to be submitted to the Legislature next year.

Machinery Tax Bill

HOUSE 1819: By the Committee on Ways and Means.

An Act Changing the Method of Taxation of Machinery of Manufacturing Corporations and Others.

Passed by the House, June 1; passed by the Senate, June 12; signed by the Governor, June 16. Now Chapter 362.

Under the terms of this new law, taxation of machinery used in industry is altered materially. Instead of taxes being levied at current local rates, a standard \$5.00 per thousand will prevail. Heretofore, the average tax on machinery amounted to approximately \$35.00.

Quite naturally cities and towns would stand to lose revenue under such a reduction. Provision is made, however, whereby such municipalities will be reimbursed.

It is anticipated that \$4,000,000 more than had been expected will be derived from the state income taxes. This amount will be used to reimburse cities and towns for their losses as the result of this new method.

Everyone seems to be in agreement that taxes on machinery has contributed measurably to the removal of industry from this state. Other states where industries, formerly located in Massachusetts, have been established, offer a similar taxation law as an inducement.

This bill, it is expected, will encourage manufacturing in Massachusetts, and will very likely tend to expand industry as well as induce those now located in other states seeking a new location, to come into Massachusetts. All of which will offer more employment and create increased pay-rolls.

Compulsory Insurance for Employees Working on Machinery

HOUSE 1950: Substituted for Senate 523.

An Act Requiring Manufacturers to Insure Under the Workmen's Compensation Act Where Employees Work on Machinery.

Passed by the House, June 24; passed by the Senate, June 24; signed by the Governor, June 24. Now Chapter 426.

This law is the ultimate outcome of two petitions (House 1242 and 1243) aimed at manufacturers in the Leather Industry.

Workmen engaged at embossing leathers are constantly in danger of losing an arm because of the type of work and the machinery used. Many young men have lost one, and even both hands, while working at embossing machines. Under the law, manufacturers in this industry were not compelled to insure the workers, and often times, after a serious accident occurred, the injured workman could not obtain compensation without resorting to court procedure, and then sometimes lost out.

What was needed for these unfortunate workmen, was adequate protection under the Workmen's Compensation Act.

This bill provides for compensation for workers engaged in work requiring the use of machinery of a dangerous and hazardous nature.

Bill Prohibiting the Discharge of Employees for Serving on Juries

SENATE BILL 435: Substituted by Committee on Labor and Industries for House Bill 105.

An Act Imposing a Penalty for Depriving Employees of Their Employment Because of Jury Service.

Passed by the Senate, March 12; passed by the House, March 17; signed by the Governor, March 23. Now Chapter 168.

Employers are prohibited from discharging any employee because of his serving on a jury according to this bill. In case of such a discharge, an employer is subject to being punished for contempt of court.

Before the Committee, it was brought out that the petitioner had served on a jury and upon returning to his position found that he no longer had one. Evidently some one had been employed in his place during his absence, and very likely at reduced wages, giving the employer the unfair opportunity to discriminate.

Bill Clarifying One Days' Rest in Seven Law

SENATE BILL 301: By the State Branch, Firemen and Oilers of Massachusetts District No. 1.

An Act Enlarging the Scope of the One Day's Rest in Seven Law, So-Called.

Passed by the House, June 15; passed by the Senate, June 15; signed by the Governor, June 18. Now Chapter 367.

This measure was submitted for the purpose of clarifying the One Day's Rest in Seven Law, which was adopted during the 1935 session.

The present law provided that all laborers, workmen and mechanics employed by the Commonwealth or any county, be restricted to eight hours per day, and to forty-eight hours per week. The new amendment further clarifies the law by adding "and to six days in any one week".

Compensation for Additional Public Employees

HOUSE BILL 1855: By the Committee on Labor and Industries (substitute for part of Senate 1, Senate 299, House 541, 1239 and 1240.)

An Act Providing for the Inclusion of Additional Public Employees Within the Provisions of the Workmen's Compensation Law.

Passed by the House, June 23; passed by the Senate, June 23; signed by the Governor, June 24. Now Chapter 403.

The present law providing for workmen's compensation for public employees, specifically naming laborers, workmen and mechanics, which included foremen, subforemen and inspectors. Nurses and other public employees not classified were excluded.

Under the terms of this new law, all such employees may be covered by workmen's compensation, except members of a police or fire force.

Suspension of Six O'Clock Law

HOUSE BILL 1051: By Fred W. Steele.

An Act Authorizing the Commissioner of Labor and Industries to Suspend Until April 1, 1937, the Six O'Clock Law, so-called, Relating to the Hours of Employment of Women in the Textile Industry.

Passed by the House, March 10; passed by the Senate, March 16; signed by the Governor, March 23, 1936. Now Chapter 154.

After a conference between officials of Textile Unions and of manufacturers, it was agreed that the so-called Six O'Clock Law for women in the Textile Industry should be suspended for another year. The purpose of this action, of course, was to permit Massachusetts Textile Manufacturers to successfully compete with Southern and other textile firms.

The Commissioner of Labor and Industries, under the terms of the agreement, may withhold the privilege from manufacturers in the Textile Industry who do not adhere to basic conditions contained in the N.R.A. code for that industry, namely, the 40-hour week and minimum wage.

The necessity of suspending the Massachusetts Law indicates a need for National Legislation with regard to the so-called Six O'Clock Law for women in the Textile Industry.

Resolution for Federal Six O'Clock Law

HOUSE BILL 202: By Representative Leo E. J. Carney.

Resolve Memorializing Congress for enactment of Federal Legislation Prohibiting Employment of Women in Industrial Plants After Six O'Clock in the Evening.

Passed by the House, May 28; passed by the Senate, June 2.

This resolve is a step in the direction of Federal legislation to make uniform throughout the Nation, the Six O'Clock Law for women in industry.

There would be no need for the annual suspension of Massachusetts' Six O'Clock Law for women in the Textile Industry if Congress acquiesces to the desire of our General Court.

BILLS FAVORED BY LABOR AND DEFEATED

Massachusetts Labor Relations Act

HOUSE BILL 1245: By the Massachusetts State Federation of Labor.

An Act Relative to Promotion of Equality of Bargaining Power Between Employer and Employee, Diminishing the Causes of Industrial Disputes, by Encouraging Collective Bargaining, and Creating a Labor Relations Commission.

Given "next annual session" in the House, May 12; bill substituted in the Senate and referred to Ways and Means Committee; given "ought not to pass" in Senate, June 22.

Of the Bills submitted by the Massachusetts State Federation of Labor to the General Court, this measure was one of the most important. It gives to the workers of Massachusetts, engaged in intra-state commerce, the same rights and protection as the National Labor Relations Act does to those engaged in interstate commerce.

It is well known that the National Act offers and protects the right to bargain collectively and of self-organization to workers engaged in inter-state commerce. In order to extend the same rights and protection to Massachusetts workers engaged in what might be termed "local business", the Federation saw fit to submit this bill.

Statistics clearly prove that many workers are being discriminated against because of their interest in their lawful right to join and assist in forming a labor union for the purpose of bargaining collectively with employers. Even employers who come under the jurisdiction of the National Act have been, and are, discharging workers because of their activities in behalf of labor unions. If such is the case within industry governed by a federal law, the unfair practices used by employers in industry not governed by law with respect to worker's rights must be flourishing to an unlimited degree.

This measure sets forth the following unfair practices, and empowers a commission to prosecute employers who disregard them: Interference with or coercion of employees who assist, or take part, in forming a labor union; spying on employee activities; black-listing members of unions; creating, supervising or operating company unions; yellow dog contracts; refusal to recognize representatives of the employees,

and discriminating against an employee who has complained, or has given testimony under the Act.

The Labor Relations Commission would have the right to conduct hearings when complaints are filed against employers who resort to unfair practices and render decisions after hearing the evidence.

Associated Industries, and other groups of employers, marched to the hearing on this bill and lobbied intensively against it later, crying that, "It would drive industry from Massachusetts", and "Court litigation was no means to settle labor disputes or bring about friendly relations between employer and employees". Also, voluminous literature was sent out by Associated Industries attacking it.

While the Bill was before the Senate, the Republicans were having a convention at Cleveland for the purpose, as we understand it, of selecting a candidate for President of the United States, and to adopt a platform setting forth the policies and pledges of that party. Among the pledges made, was one which said, "Protect the right of Labor to organize and to bargain collectively through representatives of its own choosing without interference from any source". That pledge gave Labor in Massachusetts the right to hope that the bill would be adopted by the Senate unanimously. Evidently, those who clapped their hands loudly at Cleveland overlooked the fact that away off in Massachusetts a proposed law to protect workers and guarantee their rights, was being considered by a Republican-dominated Senate. Maybe they were only fooling, or perhaps they felt that a test of their pledges would not come until after election day. But, nevertheless, the Republican members of the Senate, to the man, voted against protecting the right of Labor to organize, and to bargain collectively, and thus killed the Bill.

Much credit and thanks should be extended to Labor's tried and true friend, Senator James P. Meehan, who fought so valiantly for this measure in the Senate. Although it ultimately met with defeat, he was responsible for having it substituted earlier for a committee's adverse report, and was nearly successful in having it passed by the Senate, but for the fact Republican members labeled it a party issue.

A great deal of effort and time was also given by many Labor representatives in the futile attempt to have this much-needed Law enacted. Genuine appreciation is extended to the following for their splendid assistance and cooperation: Francis P. Fenton, A. F. of L. Organizer; A. Frank Reel, Boston Attorney; James Nelson, National Gas & Coke Workers Union; Harry Russell, Workers Educational Bureau; Archie Gillis, International Plumbers Union; Herman Koster, Cambridge C. L. U.; Harry Hogan, Carpenters Union, Springfield; Michael Flaherty, and many others.

Bill to Curb the Use of Labor Spies

HOUSE BILL 1038: By the Massachusetts State Federation of Labor.

An Act Relative to Promoting Peaceful Industrial Relations by regulating Certain Forms of Private Police and Detective Activity in Labor Disputes and Related Matters.

Passed by the House, June 12; rejected by the Senate, June 16.

This Bill was another of Labor's important measures submitted to the General Court. It provided a means of curbing the use of labor spies, private police, strike-breakers, and so-called "undercover operatives" in industry and during labor disputes.

For years Organized Labor has had to contend with the use of such undesirables used by employers to prevent organization of unions, to undermine and weaken unions and to break strikes. Since 1932, during which period most workers have been union-minded, and laws have been enacted to protect the workers' right to self-organization, agencies engaged in espionage work have prospered more than most businesses in the United States. It is estimated that the business of spying on workers, and undermining unions, has expanded to such a degree that it has become an eighty million dollar industry. Under the terms of this bill, operatives representing various agencies whose services are engaged by employers would be compelled to register with the Commissioner of Public Safety and set forth in writing the purpose for which he entered an industrial plant. At present such agents are infesting industrial areas, their mission being in most instances to "turn in" innocent and law-observing workers, who may be taking part in forming a labor union.

Full credit for the defeat of this bill in the Senate, after having passed the House, must go to Senator Miles of Brockton, and Senator Erickson of Worcester. During the roll-call vote, both Senators voted in favor of the bill, but before the vote had been concluded, reversed themselves and voted against it. Had their original vote stood, the law would have been enacted by a vote of 18-17. Again the Republican members of the Senate voted solidly against a Labor measure.

During the hearing of this bill, representatives of various International and local unions revealed amazing experiences as a result of their contact with Labor spies and "under-cover operatives". James E. Carlin of the United Textile Workers of America; Francis P. Fenton of the A. F. of L., and Fred G. Held of the American Federation of Hosiery Workers offered testimony showing how private detectives of Labor spies had approached them, or otherwise molested them. Others who assisted materially in our futile attempt to have this measure enacted into law were: James

Nelson, Secretary of the National Gas and Coke Workers' Union; A. Frank Reel and George Roewer, Boston attorneys, and others.

Child Labor Amendment

HOUSE 203: By Massachusetts State Federation of Labor.

Resolutions Ratifying the Proposed Amendment to the Constitution of the United States Relative to the Labor of Persons Under Eighteen Years of Age.

Given "leave to withdraw" in House, March 13; report accepted in Senate, March 31.

Twenty-four states have ratified the proposed Child Labor Amendment; twelve more must do so before the Amendment will be effective. Evidently Massachusetts doesn't desire joining with others to improve its own industrial conditions, and have the Federal Government enact legislation standardizing the school age throughout the nation.

Among those appearing at the hearing before the Committee on Constitutional Law in favor of ratification was Francis P. Fenton, New England Organizer of the American Federation of Labor. His convincing arguments, and eloquent and forceful presentation seemed to impress everyone but members of the Committee.

Outstanding among those opposed to the Bill was Rev. Jones I. J. Corrigan, who was the official spokesman for Cardinal O'Connell. He referred to the measure as "Nothing redder ever came out of Red Russia".

It is hoped that notwithstanding the attitude of members of the Massachusetts General Court, twelve states will see the wisdom of approving this much needed piece of legislation.

That the measure is "red" legislation is not easy to understand, when consideration is given to the fact that the following outstanding people strongly advocate its adoption: President Franklin D. Roosevelt; Rt. Rev. Msgr. John A. Ryan, Catholic University, Washington, D. C.; Father Francis J. Haas; Governor Herbert H. Lehman of New York; Governor Alf M. Landon of Kansas; Senator Robert F. Wagner of New York; Congressman William P. Connery of Massachusetts; Robert Amory of the Cotton Manufacturers Association; Frank P. Walsh, Chairman of the Catholic Committee for Ratification of the Child Labor Amendment, of New York, and many others.

Opponents of the measure seem to lose sight of the fact that it is enabling and permissive legislation. They stress that it will turn our children over to the Federal Government until eighteen years of age; that

if adopted, parents would not be able, under the law, to have their children run an errand or bring in wood, nor would they be allowed to assist on the farm. These misleading and confusing prophecies are probably for the purpose of submerging the fact that Congress, after thirty-six states ratify the Amendment, would still have to enact a law which meets with the approval of its people.

If fear exists, that Congress would take control of our children, it might well be eliminated, when we are reminded of the power that Congress now has but doesn't exercise. As the father of the proposed amendment, the late Senator Thomas Walsh of Montana, put it in a speech in the Senate, "Congress has the right to tax, and to tax means to confiscate; but Congress has not confiscated. Congress has the right to enter into treaties, and the right to make treaties means the right to secede; but we have not seceded."

Raising Compulsory School Age

HOUSE 32: By Massachusetts State Federation of Labor.

HOUSE 32: By Commissioner of Education (Payson Smith).

An Act Raising the Age Limit for Compulsory School Attendance for Minors, from Fourteen to Sixteen Years.

Given "next annual session" in the House, February 12; report accepted in Senate, February 21.

Although this Bill was supported by Governor James M. Curley, Payson Smith (former Commissioner of Education for years) Associated Industries, Massachusetts State Federation of Labor, and many other organizations, it was overwhelmingly defeated by both branches of the Legislature. The only visible opposition was offered by young, unknown and inexperienced Commissioner James Reardon of the Department of Education, who was evidently too "busy" to attend the hearing. Instead, he sent a statement, which, in part, was a vicious attack upon Organized Labor. He said:

"The interest of the American Federation of Labor in this petition is worthy of the keenest attention. They wish the children who are helping their parents, to be prevented from working. Their wish is a natural one, but is it a selfish one? Economic problems should be settled by economic legislation, which will meet the causes of the economic problems. The solution of temporary economic problems should not be met by permanent legislation affecting the standards, the efficiency and the upkeep of secondary education. Educational problems should hardly be settled by the temporary economic difficulties of labor unions."

Statistics show that during the year since N.R.A. was declared unconstitutional, thousands of children in Massachusetts between 14 and 16 years of age have been reemployed in industry.

It cannot be said that these children are superior to older minors, or adults; nor is it because of a fancy employers have for them. It can be said, on the other hand, and truthfully so, that the main reason is that they can be engaged for small wages.

With codes being invalidated and children reentering industry, the need for this legislation is now needed more than ever before. A more vigorous and effective campaign should be conducted for the enactment of this measure.

Representatives Christian A. Herter, Henry Cabot Lodge, Jr., Arthur E. Paul, and Samuel Cohen led the fight in an effort to have House Bill 32 substituted for the Committee's adverse report. Substitution was moved in the Senate by Senator Albert Cole.

Teachers Loyalty Oath

HOUSE 1006: By Massachusetts Council of Teachers' Unions.

An Act Repealing the Law Commonly Called the Teacher's Loyalty Oath Law.

Rejected in the House, April 6.

The hearings on this bill were attended by the largest crowds, and lasted longer, than any in the history of the State, filling to capacity the Gardner Auditorium for several days. Teachers and college professors of the Massachusetts Council of Teachers Unions, affiliated with the American Federation of Labor, led a vigorous fight to repeal the Hearst supported "gag" law for teachers. College presidents from most every institution of learning in the State joined with scores of Labor Unions and many others in protest against the objectionable law, which was adopted last year.

So undesirable and "gagging" is the law, that two of Massachusetts' outstanding educators, Professors Winslow and Lane of Tufts resigned, rather than subscribe to it. In the place of one, is an alien, who does not have to adhere thereto.

Its purpose originally was to eliminate communists from teaching staffs of our schools and colleges. After a year, it has definitely failed to reveal any teachers or advocates of the "red" political faith. Instead, it has thrown suspicion upon the teachers of Massachusetts, implying that some, or all, were disloyal to the Constitution. Furthermore, this unnecessary law has caused many teachers to wonder how far, and what might be explained in classrooms. In at least one instance, a teacher hesitated to explain to a student certain matters pertaining to Communism.

The opposition to the repeal bill was led by Representative Thomas Dorgan, who is well known as the father of the law, now on the Statute Books.

Bill to Investigate Industrial Life Insurance Companies

HOUSE BILL 1898: Substituted for House Bill 1216.

Resolve Providing for an Investigation by a Special Commission Relative to the Business Methods and Affairs of Industrial Life Insurance Companies, Operating in the Commonwealth.

Passed by the House, June 24; rejected by the Senate, June 24.

Because of abuses that exist in the insurance field, particularly with respect to industrial life insurance, there is a real need for corrections of the laws. This resolve would have provided for an investigation of the business methods of such companies that deal in industrial life insurance.

The worker who purchases such weekly payment insurance in small sums is the unfortunate worker whose wages are low, not the worker who earns reasonably high wages; he can afford insurance in larger amounts and can pay for it by annual, semi-annual or quarterly payments.

In other words, the worker, who because of circumstances, is compelled to buy industrial life insurance, must pay approximately 60 per cent more than the worker who is able to buy other forms of life insurance. Where the additional premium goes is of interest. Part of the money must go to so-called collectors, and a larger part must be turned over to meet the exorbitant salaries being paid to officials of insurance companies.

A fair illustration of the difference between ordinary life insurance and industrial life insurance is, that ordinary life may be purchased at the age of 25 for approximately \$17.08 per thousand. The cost of industrial life, on the other hand, is approximately \$27.08 per thousand.

Thus, the need of investigation and correction is obvious. As long as exorbitant salaries are paid to insurance company officials, as high as \$162,000.00 a year, there is a genuine need for a change, in favor of the wage earners.

Private Employment Agencies

HOUSE BILL 414: By the Massachusetts State Federation of Labor.

An Act Providing for the Regulation of Private Employment Offices.

Given "next annual session" on April 29. Report accepted.

Again this year an attempt was made to regulate private employment agencies and thereby eliminate the evils brought about by practices of some agencies.

It is common knowledge that agencies exploit unemployed workers, particularly during these times of depression, by collecting very substantial fees over a period of time. Those out of employment can hardly prevent themselves from being victimized in order to get work and obviate becoming a recipient of public welfare.

Furthermore, according to testimony during another hearing, these private employment agencies are furnishing strike-breakers to employers. This was brought out by James F. Cavanaugh, who represented the New England Private Detectives' Association, and who appeared in opposition to House Bill 1038, the Federation's bill to curb the use of spies in industry.

Miss Grace Cook appeared as usual, against the bill. She attempted to establish that Organized Labor, through the Commissioner of Labor and Industries, was endeavoring to control the giving out of work.

In the House, a resolve, (House Bill 1610) was substituted for the Committee on Mercantile Affairs' adverse report, which provided for an investigation by the Unemployment Compensation Commission. The resolve was opposed by Commissioner Fuchs and Allen, and given "next annual session".

Engineering Courses at Massachusetts State College

HOUSE BILL 972: By the Massachusetts State Federation of Labor.

An Act Authorizing Certain Expenditures at the Massachusetts State College for the Purpose of Providing Instruction in Certain Phases of Engineering.

Given "ought not to pass" on May 11.

After an exhaustive study was made regarding this subject, by a special committee, made up of President John F. Gatelee, Francis M. Curran, John J. Bresnahan and Rudolph W. Marginot, and in accordance with instructions of the last Convention, House Bill 972 was presented to the General Court.

The bill called for an expenditure of not more than \$30,000 to enable Massachusetts State College to offer complete courses in various phases of engineering. This appropriation would have been used to engage

more instructors, to purchase new equipment and for maintenance.

Massachusetts State College is faced with a situation of limiting its enrollment in engineering course, because of its inadequate curriculum. The result is, that Massachusetts boys have been compelled to enroll at other such institutions of learning outside of the State. The committee's report revealed that in a recent year, twenty-seven of Massachusetts' young men enrolled in the Engineering School at the University of New Hampshire and forty-three did likewise at the University of Maine.

In order for young men desirous of educations in engineering to remain within the State and enroll in privately-endowed colleges, the cost is approximately double. Therefore, it seems obvious that Massachusetts, with its enviable reputation for high standards of education, should, through its State College, offer our young men courses in engineering at a reasonable fee.

It seemed the Committee on Agriculture, before which the proponents of this bill were heard, favored the measure, but under the rules was compelled to refer it to the Ways and Means Committee, where it was given "ought not to pass", evidently because of the expense involved, rather than the merits of the bill.

President Hugh P. Baker of Massachusetts State College, Francis M. Curran and John J. Bresnahan, journeyed to Boston on two occasions to appear in favor of the measure. Their efforts in behalf of this legislation are deeply and gratefully appreciated.

Licenses to Operate Commercial Vehicles

HOUSE 1207: By Massachusetts State Federation of Labor.

An Act Relative to Licenses to Operate Commercial Motor Vehicles of Over Three and One-Half Tons Rated Capacity.

Given "next annual session" in House, March 2; report accepted in Senate March 9.

This proposed bill provided that the age requirement for those driving commercial vehicles of a capacity of Three and One-Half Tons or more, be established twenty-one, as a minimum.

In referring the Bill to next annual session, the committee felt that there was some merit attached to the Bill, but that the age requirement was too high.

Today, trucks have increased to a very large degree as a means of shipping from city to city, or state to state. Trailers are in common use, therefore making the job of driving more difficult and requiring far more skill and expertness than in years gone by.

Consequently, with heavier loads, increased traffic on our highways, and the skill required to man the trucks with trailers which haul fifteen and more tons, from a viewpoint of safety, those in charge of the trucks should be matured and experienced men, rather than inexperienced and young drivers.

Registrar of Motor Vehicles Frank A. Goodwin appeared in favor of the intent of the bill, but registered his disapproval of the age requirement of twenty-one.

Supervision of Linemen, Cable Splicers, Etc.

SENATE BILL 392: By the Massachusetts State Association of Electrical Workers, I.B.E.W.

An Act Relative to the Supervision of Linemen, Cable Splicers, Metermen, Operators and Maintenance Electricians.

Given "next annual session" May 19.

In the interest of public safety, this bill was presented, and provides for examining and licensing those engaged in work as linemen, cable splicers, metermen, operators and maintenance electricians. Although a splendid fight was waged in favor of the measure, considerable pressure was displayed and exercised by the well-known vested interests. A sorry sight was the presence of workmen employed by many utilities companies, who evidently were "encouraged" to appear in opposition to this proposed legislation.

To meet objections, the petitioners offered a substitute bill which provided for the exemption of telephone company employees, as their work is not of a high voltage character; those having worked at the trades affected four years or more, could be granted licenses without an examination; workmen qualified to perform more than one classified job could be given combination licenses, and that operators or maintenance electricians would not be required to cover automatic sub-stations when such places were not in operation.

But the amended bill met with opposition and instead of being given "leave to withdraw" as the original measure was, it was referred to "next annual session."

Those who led the fight for the adoption of this measure were: Charles D. Keaveney, Senator James P. Meehan, Charles E. Caffrey, Frank J. Smith, John F. O'Neill, and others.

Examiners of Electricians

SENATE BILL 72: By Lewis H. Barrowclough.

An Act Relative to the Entrance to Certain Premises by the State Examiners of Electricians and their Employees.

Given "next annual session" in the House on January 31; report accepted in the Senate on February 10.

At present, members of the Board of Examiners of Electricians, or their employees, cannot enter certain premises even in the line of duty. Representatives of the Board testified before the Committee on State Administration that in certain instances, they were ordered from buildings or off property, while trying to perform the duties of the Board, under the law.

Without the right to enter certain premises at a reasonable time, the effectiveness of their work is definitely retarded. Unlicensed electricians are allowed to work at will, regardless of the law that requires licenses for electricians; and usually at much lower wage rates than are paid to experienced and licensed electricians.

Opponents of the bill contended that giving the Board or its employees this power was an infringement upon "home rule". Again, a mountain was made of a mole hill.

Leading the proponents was Charles D. Keaveney, ably supported by Senator James P. Meehan, Charles E. Caffrey, John F. O'Neill and others.

Licensing of Operators of Refrigerating Apparatus and Internal Combustion Engines

SENATE BILL 238: By the Massachusetts State Branch, International Union of Operating Engineers.

An Act to Provide that Persons in Charge of Refrigerating Apparatus and Internal Combustion Engines of Twenty-five Horse Power or More shall be Licensed.

This bill was submitted to the General Court in the interest of public safety. The present law does not provide for the licensing of operators of combustion engines and refrigerating apparatus, both of which, in the interest of safety, should have competent and licensed operators.

Bill to Establish Board of Examiners for Steamfitters

SENATE BILL 74: By the Massachusetts State Association of Journeymen Plumbers and Steamfitters.

An Act Establishing the State Examiners of Steamfitters and Regulating the Occupation of Steamfitters.

Given "leave to withdraw" by the House, February 24; report rejected by the Senate, March 2. Bill recommitted by the Senate, but House never concurred.

Because of the nature of the work done by steamfitters, there is definitely a need for state supervision. Public safety is at stake without close surveillance by some responsible board, representing the Government.

This bill would provide the necessary instrument to supervise those engaged at the steamfitting trade, and also would regulate the occupation. It provides for a State Board of Examiners, consisting of three members, one of which would be a master steamfitter, one a journeyman steamfitter and one a consulting engineer.

Again Senator Meehan was on hand in the interest of Labor, saving the bill, at least temporarily, from being defeated. However, after the Senate voted to recommit it to committee, for some reason it never reached the House for concurrence.

Much interest was displayed in this measure and a considerable amount of time and effort was contributed in an attempt to have it adopted. Those who worked untiringly in its behalf were: Archie Gillis of the International Plumbers and Steamfitters Union; Senator James P. Meehan, David A. Goggin of the Massachusetts State Association of Journeymen Plumbers and Steamfitters, as well as many others.

Registration Law for Barbers

HOUSE 661: By the Associated Master Barbers of Massachusetts, and the Journeymen Barbers International Union of Massachusetts.

Passed by the House, May 5; rejected by the Senate, June 24.

The law relative to the registration of barbers, now exempts from its provisions, the cities and towns comprising the first Bristol Senatorial district, and the counties of Essex, Barnstable, Duke and Nantucket.

This measure would have made the law applicable to the entire state, with no exceptions.

Use of Public School Bands

HOUSE BILL 696: By George Gibbs.

An Act Restricting the Use of School Bands and Orchestras.

Given "leave to withdraw" in House January 31; report accepted in Senate, February 7.

If adopted, this measure would have eliminated the practice of bands made up of students of schools and colleges, which are supported by taxation, competing with bands and orchestras in the commercial field.

High School and College orchestras would be confined, under this proposed law, to functions only in connection with such schools.

Musicians who depend on their profession for a livelihood, find competition keen and work scarce enough without having the situation aggravated by further competition on the part of student bands and orchestras.

Compliance with Local Building and Zoning Provisions

SENATE 442: Substituted for Senate 393 (petition of the Massachusetts State Building Trades Council).

Passed by the Senate March 26th; rejected by the House May 7.

This bill provided that all departments, boards and commissions of the Commonwealth of Massachusetts must comply with building and zoning laws in any municipality where construction work is being carried on by the State.

The original bill (Senate 393) was given "leave to withdraw" in the Senate, but was reconsidered through the efforts of Senator James P. Meehan.

Bill for Compensation from Day of Injury

HOUSE BILL 211: By Representative Francis W. Irwin.

An Act Fixing the Time When Compensation Shall Be Paid to Workmen Incapacitated in Industrial Accidents.

Given "next annual session" in the Senate, March 6; report rejected in the House, March 12.

Under the Workmen's Compensation Act, injured workmen are not eligible to benefits until the eighth day after injury. If the incapacitation extends beyond four weeks, compensation shall then be paid from the day of injury.

This measure would have amended the law so that regardless of the duration of an injury, compensation would begin with the day of such injury.

BILLS OPPOSED BY LABOR AND DEFEATED

Prevailing Wage Law

HOUSE 667: By the Massachusetts Selectmen's Association.

An Act Repealing the Provisions of Law that Provide for the Prior Determination by the Commissioner of Labor and Industries of the Minimum Wages to Be Paid to Certain Employees on Certain Public Works.

Given "leave to withdraw" by the Senate March 6; report accepted by the House, March 10.

This petition proposed to repeal the so-called prevailing wage law, which establishes minimum rates to be paid to mechanics, teamsters, chauffeurs and laborers employed on public works construction. The law giving these workmen a pre-determined wage was enacted only a year ago, August 1, 1935.

The hearing before the Committee on Public Safety was held in Gardner Auditorium, which was filled to capacity by workmen and their representatives who might be affected by the repeal of this law.

A splendid and vigorous fight was waged against repeal, led by Senator James P. Meehan, and ably supported by E. A. Johnson of the Boston Building Trades Council; Charles D. Keaveney of the International Brotherhood of Electrical Workers; Charles E. Caffrey of the Springfield Central Labor Union and Vice President of the Massachusetts State Federation of Labor, as well as many others.

Bill to Allow Others Than Master and Journey-men Electricians to Assemble Electrical Fixtures

HOUSE 1450: By Harry P. McLaren.

An Act Declaratory of the Law, Relative to the Assembling of Electrical Apparatus, Fixtures and Other Appliances by Other than Master Electricians and Journeymen Electricians.

Given "next annual session" in the House, April 1; report accepted in the Senate, April 6.

This measure would allow employees, experienced or not, to assist in the assembling and installing of electrical fixtures and appliances.

Not only would such a proposed amendment be detrimental to the interest of public safety, but would also reduce the opportunities of employment of journeymen electricians, which, even now, is a very serious matter.

Barbers' Registration Law

HOUSE BILL 1294: By Romolo A. Ruscio.

An Act Relative to the Registration of Barbers and the Practice of Barbering, in the County of Essex.

Given "leave to withdraw" in House, March 18; report accepted in the Senate, March 23.

This bill was an attempt to exempt Essex County from the law providing for registration of barbers. Until this year, the law did not apply to cities and towns comprising the first Senatorial District, nor to the Counties of Barnstable, Dukes, or Nantucket. Another bill (house 661), a report of which will be found in this report, provides for repeal of the section of the law excluding the foregoing towns, cities and counties.

CONCLUSION

With the Great and General Court prorogued for the year 1936, Labor's attention will undoubtedly be focused on the national and state election. I am sure the delegates are aware that this year's outcome will mean more than ever before.

Public office holders, from President of the United States, down to Representatives to the Massachusetts Legislature, will be seeking reelection. Some have been our friends and others have consistently opposed, not only Labor legislation, but measures helpful to workers, even in a small degree.

In the Massachusetts Senate, for instance, delegates and other members and friends of Labor should keep in mind that there are friends who may need, and certainly deserve, Labor's support. There are others in that honorable body, such as Senator Nicholson and Senator Holmes, who evidently oppose our measures "regardless".

To members of the Legislature who have been extremely helpful to Labor, I extend my deepest and most sincere appreciation. Senator James P. Meehan, who might be termed "Labor's Champion", at all times was very helpful. His vigorous fight in behalf of our bills, particularly the "Baby Wagner Bill" and the bill to curb the use of Labor spies and "Undercover" operatives, with the able support of Senators Burke, Conroy, Casey and others, is most certainly appreciated.

In the House, splendid support was rendered by Representative Carroll of Lynn, with the assistance of Representatives Dorgan and Carney, especially in having the Labor Spy Bill passed by that branch.

I desire to respectfully recommend that the Executive Council be permitted to submit to the 1937 Legislature many of the bills defeated again this year,

namely, the Massachusetts Labor Relations Bill, Anti-Labor Spy Bill, Child Labor Amendment, Compulsory School Age Bill and a bill to regulate private employment agencies.

Before concluding this report, I wish to express my appreciation to those who have been so helpful during my short period as your representative. I deeply appreciate the assistance and advice rendered to me by President Gatelee, Secretary-Treasurer Watt, and the members of the Executive Council. It has been a real pleasure to be associated with such splendid leaders.

This report would not be complete without mention being made of the fact that Commissioner James T. Moriarty of the Department of Labor and Industries has been most helpful, and on many occasions, his sound advice has not only been beneficial to me, but to all the wage earners of Massachusetts.

Respectfully submitted,

KENNETH I. TAYLOR

Assistant-Secretary-Treasurer-
Legislative Agent

FRED C. ANDERSON AND COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

53 STATE STREET, BOSTON, MASS.

Massachusetts State Federation of Labor,
11 Beacon Street,
Boston, Mass.

July 10, 1936

Gentlemen:

Pursuant to our agreement, we have made the annual audit of the books and records of the Massachusetts State Federation of Labor for the fiscal year ended June 30, 1936.

We submit herewith our report together with financial statement and supporting schedules as follows:

INDEX

Exhibit A - Statement of Condition -	June 30, 1936
Exhibit B - Statement of Cash Receipts and Disbursements -	July 1, 1935
	to June 30, 1936
Exhibit C - Statement of Cash Receipts and Disbursements -	July 1, 1935
Year Book -	to June 30, 1936
Exhibit D - Changes in Affiliated Organizations -	July 1, 1935
	to June 30, 1936

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The financial condition of the Federation as at the close of its fiscal year ended June 30, 1936, is set forth in the Statement of Condition presented in Exhibit A.

Our comments on the items shown therein are as follows:

Cash on Deposit In Banks \$11,301.83

This account summarizes as follows:

Balance July 1, 1935, per prior report:

On Deposit - First National Bank

Checking Account\$ 3,516.49

Year Book Fund..... 549.14

Boston Five Cent Savings Bank,

Book #982,541..... 2,262.74 \$ 6,328.37

Cash Receipts July 1, 1935, to June 30, 1936

Collections Per Exhibit B - Dues.....\$10,103.09

Office Services - A. F. of L..... 1,300.00

Interest on Savings Deposits..... 76.09

Transferred from Year Book Fund..... 2,159.14

Year Book Cash Receipts Per Exhibit C..... 4,205.00

Total Cash Receipts 17,843.32

Total Cash to be Accounted for \$24,171.69

Cash Disbursements July 1, 1935, to June 30, 1936

Payments per Exhibit B.....\$ 8,615.72

Payments per Exhibit C..... 4,254.14

Total Cash Disbursements 12,869.86

BALANCE JUNE 30, 1936 \$11,301.83

This balance is on deposit as follows:

First National Bank of Boston, Checking Account..... \$ 1,803.86

Boston Five Cents Savings Bank, Book #982,541..... 3,028.41

Home Savings Bank, Book #404,189..... 2,510.42

Warren Institution for Savings, Book #139,313..... 3,459.14

First National Bank of Boston, Year Book Fund..... 500.00

TOTAL AS ABOVE \$11,301.83

We have examined all cancelled checks returned by the bank and have compared the amounts with the entries in the Cash Book. Deposits subject to check were found to be in agreement with the bank statements as of June 30, 1936.

Cash on Deposit in Savings Banks as shown by examination of the Pass Books was further verified by certificates mailed to us from the bank.

Due from Affiliated Organizations	\$ 554.70
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An abstract of the accounts of affiliated organizations discloses that 69 are in arrears in payment of their Per Capita Tax as at the close of the Year in the aggregate amount of \$554.70. All of these organizations are in good standing and the amount is therefore included in the Statement of Condition.

Due from Year Book Advertisers	\$ 125.00
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This amount is in the total due from firms whose advertisements were printed in the 1936 Year Book, payments for which were not received until after the close of your fiscal year on June 30, 1936. The amount comprises the following:

General Electric Co.....	\$100.00
Peoples Savings Bank of Worcester.....	25.00
<u>Total as above</u>	<u>\$125.00</u>

LIABILITIES

Dues Paid in Advance.....	\$ 99.26
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This item includes prepayment of the Per Capita Tax of 38 Affiliated Organizations aggregating \$99.26 and is shown on the Statement of Conditions only for the purpose of separating it from the financial results applying to the fiscal year ended June 30, 1936.

A. F. of L. Office Services Paid in Advance	\$ 100.00
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The above amount represents a payment by the American Federation of Labor covering Office Expense and Services of this office for the month of July, 1936. Since the amount received applies to the year ending June 30, 1937, it is treated on the Balance Sheet of June 30, 1936, as a liability.

Net Worth - Mass. State Federation of Labor	\$11,782.27
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This account represents the present net worth of the organization and compares with \$6,924.81 on June 30, 1935, an increase of \$4,857.46 for the year.

OPERATIONS

Operations - Exhibit B

The receipts from dues amounted to \$10,103.09 for the year, which compares with \$9,113.89 for the previous year.

The sum of \$1,300.00 was received from the American Federation of Labor. This represents payments by the National Organization of \$100.00 per month for the year ended June 30, 1936, and \$100.00 in advance for the month of July, 1936. These fees are received in payment of office expenses of representatives of that organization working within this state.

The payments for the year covering administrative expenses amounted to \$8,615.72.

The operating results show a net gain for the year amounting to \$2,863.46.

Year Book - Exhibit C

The operation of the Year Book fund resulted in a profit of \$1,970.00 as follows:

Advertising Income Received.....	\$ 4,205.00
Advertising Income Due.....	125.00
<u>Total</u>	<u>\$ 4,330.00</u>
<u>Less</u> Cash Received on 1935 Year Book.....	<u>265.00</u>
Total Advertising Income.....	\$ 4,065.00

Deduct Cost of Year Book

Printing	\$ 425.00
Postage	50.00
Commissions	1,607.50
Envelopes	12.50
<u>Total Cost of Year Book</u>	<u>2,095.00</u>
<u>NET PROFIT on YEAR BOOK</u>	<u>\$ 1,970.00</u>

For further details we refer you to Exhibit C.

General Remarks

Your organization has made continued progress during the past year.

The membership shows a splendid increase, and a further strengthening is noted by the broader base on which the organization rests, due to a marked increase in the number of affiliated organizations located at many points throughout the State.

For further details regarding growth we refer you to Exhibit D.

We wish to thank the officers of your organization for their valuable assistance and courteous treatment accorded the members of our staff during the progress of the audit.

Respectfully submitted,

FRED C. ANDERSON and CO.,

By Fred Chas. Anderson,
Certified Public Accountant.

Exhibit AMASSACHUSETTS STATE FEDERATION OF LABORSTATEMENT OF CONDITIONJUNE 30, 1936ASSETS

Cash in Banks.....	\$11,301.83
Due from Affiliated Organizations.....	554.70
Due from Year Book Advertisers.....	125.00
<u>TOTAL ASSETS</u>	<u>\$11,981.53</u>

LIABILITIES

Dues Paid in Advance.....	\$ 99.26
A. F. of L. Office Services - Paid in Advance.....	<u>100.00</u>
<u>Total Liabilities</u>	<u>199.26</u>
Net Worth - Massachusetts State Federation of Labor.....	11,782.27
<u>TOTAL LIABILITIES and NET WORTH</u>	<u>\$11,981.53</u>

Exhibit BMASSACHUSETTS STATE FEDERATION OF LABORSTATEMENT of CASH RECEIPTS and DISBURSEMENTSJULY 1, 1935, to JUNE 30, 1936

July 1, 1935, Cash Balance from previous report.....	\$ 5,779.23
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CASH RECEIPTS

Dues collected - Affiliated Organizations.....	\$10,103.09
Office Expenses - American Federation of Labor.....	1,300.00
Interest - Savings Bank Deposit.....	76.09
Transferred from Year Book Fund.....	<u>2,159.14</u>
<u>Total Cash Receipts</u>	<u>13,638.32</u>
<u>Total Cash to be Accounted for</u>	<u>\$19,417.55</u>

CASH PAYMENTS

Salary - Secretary-Treasurer Robert J. Watt.....	\$ 1,010.00
Salary - Assistant Secretary and Treasurer Kenneth I. Taylor	1,250.00
Salary - Office Stenographer.....	1,490.00
Postage	240.00
Rent and Light.....	913.29
Auditing	100.00
Office Supplies and Expense.....	271.93
Telephone and Telegraph.....	508.29
Printing and Stationery.....	951.00
Convention Expenses	616.20
Per Capita Tax A. F. of L.....	10.00
Expenses, Executive Council Meetings.....	239.30
Traveling Expenses	392.91
General Office Expense.....	265.70
Advertising	41.10
History of State Federation of Labor - Bal. 1935.....	50.00
Legal Expenses	160.00
Funeral Wreaths	101.12
Bank Charges	<u>4.88</u>
<u>Total Cash Disbursements</u>	<u>8,615.72</u>
<u>JUNE 30, 1936, CASH BALANCE</u>	<u>\$10,801.83</u>

Exhibit CMASSACHUSETTS STATE FEDERATION OF LABORCASH RECEIPTS and DISBURSEMENTS1936 YEAR BOOK

July 1, 1935, Cash Balance from previous report..... \$ 549.14

CASH RECEIPTS

Receipts from Advertisers 1935 Year Book.....	\$ 265.00	
Receipts from Advertisers 1936 Year Book.....	3,940.00	
<u>Total Cash Receipts</u>		<u>4,205.00</u>
<u>Total Cash to be Accounted for</u>		<u>\$ 4,754.14</u>

CASH DISBURSEMENTS

Printing Year Book	\$ 425.00	
Postage on Year Book	50.00	
Commissions	1,607.50	
Envelopes for Mailing Year Book.....	12.50	
Transferred to General Fund.....	2,159.14	
<u>Total Cash Disbursements and Transfers</u>		<u>4,254.14</u>
<u>JUNE 30, 1936, CASH BALANCE</u>		<u>\$ 500.00</u>

Exhibit D

MASSACHUSETTS STATE FEDERATION OF LABORCHANGES in AFFILIATED ORGANIZATIONSYEAR ENDED JUNE 30, 1936

	<u>1936</u>	<u>1935</u>
Affiliated Organizations in Good Standing.....	413	332
Affiliated Organizations in Arrears.....	69	94
<u>TOTAL AFFILIATED ORGANIZATIONS</u>	<u>482</u>	<u>426</u>

S U M M A R Y

Total Affiliated Organizations June 30, 1936.....	482
Total Affiliated Organizations June 30, 1935.....	426
<u>GAIN in AFFILIATIONS</u>	<u>56</u>

APPENDIX

WORKMEN'S COMPENSATION

The delegates to the 50th Annual Convention of the Massachusetts State Federation of Labor voted to recommend that the Executive Council be authorized to secure competent advice, and to draft a new bill providing for a Stand Fund for Workmen's Compensation. It was further recommended that the Executive Council be requested to report back their findings and proposed legislation to the next Convention, for the consideration of the delegates.

President Gatelee immediately after the Convention appointed Vice-Presidents John Carroll and William E. G. Batty and Secretary-Treasurer Robert J. Watt, as a committee to study this question. The suggested legislation your committee presents in this report is the result of many months' work, and conclusions reached after meetings with Attorney Samuel B. Horovitz, who, at no expense to the State Federation, travelled to Washington, D. C., to confer with experts on Workmen's Compensation. Attorney Horovitz attended all of our meetings, counselled and advised your officers, and with the assistance of Joseph Bear, Esquire, of the Boston Legal Aid Society, drafted the bill as it is presented to you in this report.

Your committee hopes to have Attorney Horovitz attend this Convention to discuss the fundamental changes which this suggested legislation provides for, namely:—

(1) Sixty insurance companies doing business in Massachusetts are prohibited from writing Workmen's Compensation Insurance, and in their place will be a single exclusive State Fund. The large salaries of insurance executives will no longer be chargeable to compensation premiums. The operation of the State Fund would be under the charge of a Director, and a board of six trustees, similar to Savings Bank Life Insurance, which has proven so successful.

(2) The proposed bill suggests increasing the maximum weekly payments from \$18 to \$20, and a minimum of \$9 for total incapacity. A worker permanently and totally disabled will get compensation for life. Payments for partial incapacity have been increased to a maximum of \$20 and \$7500 in all, instead of a possible total of \$4500, as under our present law.

(3) In line with more liberal states, we suggest that a widow receive \$10 a week for life, unless she remarries, in which case she would get the equivalent of two years' payments in one lump sum. We have tried to make dependency payments simple and easy, and provided for \$5 a week for each child, until it reaches the age of 18.

(4) We have had to make the act elective because of the provision in the Constitution requiring a jury

trial; but to induce employers to come under the act, we have increased the common law liability so that employers will realize that it is cheaper to insure than run the risk of common law suits.

(5) The Acts of 46 states have been considered by your committee and Attorney Horovitz, in the drafting of this measure, and careful consideration was also given to the 1934 Pennsylvania Study, along with the recommendations made by the Compensation Committee of the United States Department of Labor.

(6) Your committee realizes that defects may be found in the proposed legislation, but we hope that before presenting it to the Legislature, that we will have the benefit of constructive criticism from the delegates attending this Convention, so that the Massachusetts State Federation of Labor may present a bill which will not only be financially sound, but one which will give injured workers a greater amount of benefits, and employers a much lower rate of insurance.

EXCLUSIVE STATE FUND BILL

Proposed by

The Massachusetts State Federation of Labor

An Act for an exclusive state fund for the Commonwealth of Massachusetts to replace the present Workmen's Compensation Law.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 152 of the General Laws (Ter. Ed.) is hereby repealed, and the following new chapter 152 inserted in its place:

WORKMEN'S COMPENSATION ACT

Sec. 1. The following words as used in this chapter shall, unless a different meaning is plainly required by the context or specifically prescribed, have the following meanings:

(1) "Average weekly wages" shall equal the rate which the employee was to receive for a full week's work at the time of injury; and if there was no such wage agreed upon, then five and one-half times his full daily wage, or for piece workers five and one-half times the earnings on the nearest normal day; and if none of the above definitions apply, regard may be had to the average weekly amount which at the time of the injury was being earned, computed by any one of the above definitions, by a person in the same grade, employed at the same work, by the same employer; or, if there is no person so employed, by a person in the same grade, employed in the same class of employment and in the same district; and if none of the above definitions apply then the average weekly wage shall be figured at no less than nine dollars.

If the employee is employed as a part time worker at the time of his injury, his earnings elsewhere during the remainder of the week shall be considered in computing his average weekly wage; but in no case shall his average weekly wage be figured at less than nine dollars.

Regardless of which of the above definitions is used, there shall be added thereto the reasonable value of board, rent, housing, lodging, tips, overtime work or any advantage received from the employer or by the employee.

(2) "Department", the department of industrial accidents.

(3) "Dependents", anyone wholly or partly dependent upon the employee for support, either at the time of injury or death.

(4) "Employee", every person in the service of another, including working partners and spouses, whether under any contract of hire, express or implied, oral or written, or whether under appointment, statutory obligation or otherwise, and wherever injured, except so far as prohibited to the commonwealth by the conflict of laws, as set forth by the American Law Institute. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents and other persons to whom compensation may be payable.

(5) "Employer", includes the legal representative of a deceased employer.

(6) "Insured" or "insured person", an employer who has provided by insurance for the payment of his employees by the insurer, of the compensation provided for by this chapter.

(7) "Insurer", the state insurance fund created by this chapter.

(8) "Reviewing Board", the reviewing board designated under section three of chapter twenty-four.

Sec. 2. The department shall make all necessary inspections and investigations relating to causes of injuries for which compensation may be claimed, and for this purpose any member or employee thereof may at any time enter places of employment when being used for business purposes. It shall also have the powers and duties set forth in this chapter.

Sec. 3. The department shall report to the department of education, division of vocational education, rehabilitation section, all cases of serious injuries, where the injury in the opinion of the department may require rehabilitation of the handicapped employee; and for that purpose may in its discretion authorize a sum not exceeding ten dollars per week in each case, to be expended for the maintenance of the

employee during his vocational training, said payments to come out of the funds of section thirty-seven, provided that the funds in section thirty-seven are more than sufficient to take care of the cases therein specified, and provided further that there are no federal funds, or funds raised by the Commonwealth remaining for said purpose. During the period of rehabilitation, the employee shall receive either total or partial compensation, as decided by the department, after a conference with the state fund director.

Sec. 4. The department shall make an annual report.

PROCEDURE

Sec. 5. The department may make rules consistent with this chapter for carrying out its provisions. Process and procedure shall be as simple and summary as reasonably may be. The department or any member thereof may subpoena witnesses, administer oaths, and examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. Upon the written request of the department or of any member thereof, together with interrogatories and cross-interrogatories, if any there be, filed with the clerk of the superior court for any county, commissions to take depositions of persons or witnesses residing without the commonwealth, or in foreign countries, or letters rogatory to a court in another state or to a court in a foreign country, shall forthwith issue from the said superior court, as in cases pending therein; and upon the return of the said depositions or answers to letters rogatory the same shall be opened by the clerk of the court issuing the commissions or letters, and the said clerk shall endorse thereon the date when a deposition or answer to letters rogatory was received, and the same shall forthwith be delivered to the department. No entry fee shall be charged in such cases. The fee for attending as a witness before the department shall be one dollar and fifty cents a day; for attending before a member of the department, fifty cents a day; in both cases, five cents a mile for travel out and home. The superior court may enforce by proper proceedings the provisions of this section relating to the attendance and testimony of witnesses and the examination of books and records.

Sec. 6. If the insurer and the injured employee reach an agreement in regard to compensation, a memorandum thereof shall be filed with the department, and, if approved by it, the memorandum shall for all purposes be enforceable under section eleven. Such agreements shall be approved by said department only when the terms conform to this chapter.

Sec. 7. If the insurer and the injured employee fail to reach an agreement in regard to compensation, or if they have reached such an agreement, which has been signed and filed in accordance with this chapter, and compensation has been paid or is due in accordance therewith, and the parties thereto then

disagree as to the continuance of any weekly payments under such agreement, either party may notify the department, which shall thereupon assign the case for hearing by a member thereof.

Sec. 8. Such member shall make such inquiries and investigations as shall be deemed necessary. The hearings shall be held in the town where the accident occurred or in such other place as the department may designate, and the decision of the member, together with a statement of the evidence, his findings of fact, rulings of law, and other matters pertinent to questions arising before him, shall be filed with the department. Unless a claim for review is filed by either party within seven days, the decision shall be enforceable under section eleven.

Sec. 8a. A party who has by accident, mistake or through other reasonable cause, omitted to claim a review from a decision rendered under section eight within the time limited therein, may, within two years from the filing of such decision with the department, petition the superior court for the county in which the injury occurred, or for the county of Suffolk, for leave to claim such review, and the court may grant such petition and permit such claim to be filed if it finds that justice and equity require it, notwithstanding that a decree has previously been rendered on such decision as provided in section eleven.

Sec. 9. The department or any member thereof, may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and travelling expenses, but the department may allow additional reasonable amounts in extraordinary cases, and the insurer shall reimburse the department for the amount so paid. The report of the physician shall be admissible as evidence in any proceeding before the department or a member thereof; provided that the employee and the insurer have seasonably been furnished with copies thereof. No physician shall be qualified by the department as an impartial physician if, within three years of his appointment, he has been employed by any insurance company, in examining, treating, or testifying in any case in behalf of any such insurer, unless the employee or his attorney, in writing, agree to the specific physician appointed.

Sec. 9a. Wherever medical testimony is reasonably required in any hearing, the employee may engage his own physicians to appear and testify in his behalf, and, if the decision of the single member or of the department is in favor of the employee, a reasonable fee shall be allowed by the member or by the department for such physician's or physicians' services, not exceeding the number used by the insurer, and shall be added to the amount awarded to the employee and be paid by the insurer under the provisions of this chapter. The member or department shall have and exercise full power to regulate the fees of doctors testifying for both sides, and shall equalize the fees so far as reasonably practicable.

Sec. 10. If a claim for review is filed under section eight, the reviewing board shall hear the parties, and may hear evidence in regard to pertinent matters and may revise the decision in whole or in part, or may refer the matter back to the member for further findings of fact, and shall file its decision with the records of the proceedings and notify the parties. If a claim for a review is so filed by the insurer in any case and the board by its decision orders the insurer to make, or to continue, payments to the injured employee, the cost to the injured employee of such review, including therein reasonable counsel fees, shall be determined by the board and shall be paid by the insurer. If a claim for review is filed by the insurer, and the insurer then withdraws the same, costs under this section shall nevertheless be assessed, but only upon motion made by the employee or his attorney. No party shall as of right be entitled to a second hearing upon questions of fact.

Sec. 11. Any party in interest may present certified copies of an order or decision of the reviewing board, a decision of a member from which no claims for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the department, and all papers in connection therewith, to the superior court for the county in which the injury occurred or for the county of Suffolk, but if so presented to the court for the county of Suffolk, the court may, on motion of any party in interest, order the case removed to the court for the county in which the injury occurred. The court shall thereupon render a decree in accordance therewith and notify the parties. Such decree shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact or where the decree is based upon a decision of a member or a memorandum of agreement, and except that there shall be no appeal from a decree based upon an order or decision of the reviewing board which has not been presented to the court within ten days after the notice of the filing thereof by said board. Upon the presentation to it of a certified copy of a decision ending, diminishing or increasing a weekly payment under the following section the court shall revoke or modify the decree to conform to such decision. The chief justice of the superior court shall, in all counties, arrange hearings on workmen's compensation cases so that they shall be heard more speedily than other matters coming before the court sitting without a jury; and in the county of Suffolk, said chief justice shall assign at least one day in each week, during which a justice shall devote his time first to hearings on workmen's compensation cases, to the end that there may be a speedy disposition thereof.

Sec. 12. Questions as to a weekly payment may be heard and decided by the reviewing board, or any member of the department and the reviewing board or such member may, in accordance with the evidence and subject to this chapter, issue any order deemed

advisable. If the case is heard and decided by a member, his decision may be reviewed under sections eight and ten. No finding by the member or reviewing board discontinuing compensation on the ground that the employee's incapacity has ceased shall be considered final as matter of fact or *res adjudicata* as matter of law; and the employee may have one rehearing as of right, but subsequent hearings shall require the consent of any one of the members. Awards made under this section may date back to the date of the last payment.

Sec. 13. In cases of disagreement, the department shall have full authority to regulate and set the amount of the fees charged by any physician, hospital, undertaker, attorney or any other person rendering service under this chapter, upon the request of the employee, insurer, or any of the parties involved directly; provided however, that where the employee has paid his physician, hospital, undertaker or other person who has rendered service under this chapter, and more than one year has elapsed between the payment and the request for hearing, no claim for any alleged over-payment shall lie. Whenever a hearing is held under this section, the member shall report the facts to the department for decision; and the decision shall be enforceable under section eleven; and the parties involved shall be precluded from recovering in any form of action any charges for services under this chapter in excess of the amount approved or allowed by the department.

Sec. 14. If the insurer certifies the case to the superior court, and the decree orders the insurer to make or to continue payments to the injured employee or claimant, the cost to the injured employee or claimant of the superior court proceedings, including therein reasonable counsel fees, shall be determined by the superior court and shall be paid by the insurer, in addition to the compensation due. If the insurer asks for a modification or suspension of the decree before a single justice of the Supreme Judicial Court, and the petition is denied in whole or in part, the said single justice shall assess the cost to the injured employee or claimant of the proceeding before him, including therein reasonable counsel fees, to be paid by the insurer. If the insurer appeals to the Supreme Judicial Court, and the decision is in favor of the employee, or claimant, the Supreme Judicial Court shall also order the insurer to pay to the employee, or claimant, the cost of such appeal, including therein reasonable counsel fees, cost of briefs, and other expenses incidental to the defense of the insurer's appeal.

Sec. 15. Where the injury for which compensation is payable was caused under circumstances creating a legal liability in some person other than the insured to pay damages in respect thereof, the employee may at his option proceed against both. If the employee recovers from both, the department may require him to pay an amount equal to one-half of the smaller recovery, either compensation or tort damages, into

the treasury of the commonwealth, for the purposes of section thirty-seven.

Sec. 16. Questions arising under this chapter, if not settled by agreement by the parties interested therein, shall, except as otherwise provided in this chapter, be determined by the department. The decisions of the department shall for all purposes be enforceable under section eleven.

Sec. 17. Orders or decisions of the reviewing board or department, decrees of the superior court upon such orders, decisions of a member of the department from which no claim for review has been filed within the time allowed therefor, or memoranda of agreements approved by the department shall have effect, notwithstanding an appeal, until it is otherwise ordered by a justice of the Supreme Judicial Court, who may in any county suspend or modify such decree, order or decision, during the pendency of the appeal.

Sec. 18. If an insured person enters into a contract, written or oral, with an independent contractor to do such person's work, or if such a contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contract with the insurer, and the insurer would, if such work were executed by employees immediately employed by the insured, be liable to pay compensation under this chapter to those employees, the insurer shall pay to such employees any compensation which would be payable to them under this chapter if the independent or sub-contractors were insured persons. The insurer, however, shall be entitled to recover indemnity from any other person who would have been liable to such employees independently of this section; and if the insurer has paid compensation under this section, it may enforce, in the name of the employee or in its own name and for its benefit, the liability of such other person.

Sec. 19. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an injury, a written report thereof shall be made to the department on blanks to be procured from it. Upon the termination of the disability of the injured employee the employer shall make a supplemental report upon blanks to be procured from it. If the disability extends beyond a period of sixty days, the employer shall report to the department at the end of such period that the injured employee is still disabled, and upon the termination of the disability shall file a final supplemental report as provided above. The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex and occupation of the injured employee, and shall state the date and hour of any accident causing the injury, the nature and cause of the injury, and other information required by the department. Employers refusing or neglecting to

make any report required by this section, after notice so to do by the department, shall be punished for a first offense by a fine of not more than fifty dollars, and for each subsequent offense by a fine of not more than one hundred dollars. Copies of reports of injuries filed by employers with the department and statistics and data compiled therefrom shall be kept available by it, and shall be furnished on request to the department of labor and industries and for its own use. Within sixty days after the termination of the disability of the injured employee, the insurer shall file with the department a statement showing the total payments made or to be made for compensation and for medical services for such injured employee.

Sec. 19a. In each year on or before January fifteenth, every employer who is not then an insured person, as defined in section one, shall report that fact to the department in such manner as it shall prescribe, and such reports shall become public records. Any employer refusing to make any such report shall be punished by a fine of not more than ten dollars.

Sec. 20. Copies of hospital records kept in accordance with section seventy of chapter one hundred and eleven, certified by the persons in custody thereof to be true and complete, shall be admissible in evidence in proceedings before the department or any member thereof. The department or any member, before admitting any such copy in evidence may require the party offering the same to produce the original record. All medical records and reports of hospitals, clinics and physicians of the insurer or of the employee shall be open to the inspection of the department so far as relevant to any matter before it. If such a report is on file with the department it shall be open to the inspection of any party.

Sec. 21. Every insured person shall, as soon as he secures a policy, give written or printed notice to all persons under contract of hire with him that he has provided for payment to injured employees by the insurer.

Sec. 22. Every insured person shall give written or printed notice to every person with whom he is about to enter into a contract of hire that he has provided for payment to injured employees by the insurer. An employer ceasing to be insured shall, on or before the day on which his policy expires, give written or printed notice thereof to all persons under contract with him. In case of the renewal of the policy, no notice shall be required. He shall file a copy of said notice with the department. The notices required by this and the preceding section may be given in the manner therein provided or in such other manner as may be approved by the department.

Sec. 23. If an employee of an insured person files any claim with or accepts payment from the insurer on account of personal injury, or makes any agreement, or submits to a hearing before a member of the de-

partment under section eight, such action shall constitute a release to the insured of all claims or demands at law, if any, arising from the injury.

Sec. 24. An employee of an insured person shall be held to have waived his right of action at common law or under the law of any other jurisdiction in respect of an injury therein occurring, to recover damages for personal injuries if he shall not have given his employer, at the time of his contract of hire, written notice that he claimed such right, or, if the contract of hire was made before the employer became an insured person, if the employee shall not have given the said notice within thirty days of notice of such insurance. An employee who has given notice to his employer that he claimed his right of action as aforesaid, may waive such claim by a written notice, which shall take effect five days after it is delivered to the employer or his agent. The notices required by this section shall be given in such manner as the department may approve.

Sec. 25. If an insured person who has complied with the rules, regulations and demands of the insurer is required by a judgment of a court to pay to an employee any damages on account of personal injury sustained by such employee during the period covered by insurance, the insurer shall pay to the insured the full amount of such judgment and the cost assessed therewith if the insured shall have given the insurer written notice of the bringing of the action in which the judgment was recovered and an opportunity to appear and defend the same. If the employer files an affidavit that the plaintiff is in fact an employee, and is entitled to compensation, and is wrongfully bringing a tort or other action, the insurer shall defend said action, regardless of the wording of the declaration; and if the insurer fails so as to defend, and the affidavit eventually is found to be substantially correct, the insurer shall reimburse the employer for all reasonable expenses incurred in defense of the action.

PAYMENTS

Sec. 26. If an employee who has not given notice of his claim of common law rights of action, under section twenty-four, or who has given such notice and has waived the same, receives a personal injury arising out of and in the course of his employment, or arising out of any risk of the street including injuries by the elements, while actually engaged, with his employer's authorization, in the business affairs or undertakings of his employer, and whether within or without the commonwealth, he shall be paid compensation by the insurer, as hereinafter provided, if his employer is an insured person at the time of the injury; provided that as to an injury occurring without the commonwealth he has not given notice of his claim of rights of action under the laws of the jurisdiction wherein such injury occurs or has given such notice and has waived it. For the purposes of this section, any person while operating or using a motor or other

vehicle, whether or not belonging to his employer, with his employer's general authorization or approval, in the performance of work in connection with the business affairs or undertakings of his employer, and whether within or without the commonwealth, and any person who, while engaged in the usual course of his trade, business, profession or occupation, is ordered by an insured person, or by a person exercising superintendence on behalf of such insured person, to perform work which is not in the usual course of such trade, business, profession or occupation, and, while so performing such work, receives a personal injury, shall be conclusively presumed to be an employee.

Sec. 27. If the employee is injured by reason of his serious and wilful misconduct, he shall not receive compensation where the incapacity is less than four weeks; but for all other injuries and for death the defense of serious and wilful misconduct of the employee is hereby abolished, as is the defense of the doctrine of added risk. No compensation, however, shall be awarded for an injury purposely self-inflicted or death resulting therefrom.

Sec. 28. If the employee is injured by reason of the serious and wilful misconduct of an insured person or of any person regularly intrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the insured shall repay to the insurer the extra compensation paid to the employee. If a claim is made under this section the insured may appear and defend against such claim only. The employment of any minor, known to be such, in violation of any provision of sections sixty to seventy-four, inclusive, or of section one hundred and four of chapter one hundred and forty-nine shall constitute serious and wilful misconduct under this section.

Sec. 29. No compensation shall be paid for any injury which does not incapacitate the employee for a period of at least seven days from earning full wages, but if incapacity extends beyond such period, compensation shall begin on the eighth day after the injury, and if incapacity extends beyond a period of four weeks, compensation shall be paid from the day of the injury, but except under section thirty-five no compensation shall be paid for any period for which any wages were earned. When compensation shall have begun it shall not be discontinued except with the written assent of the employee, or with the approval of the department or member thereof, granted only after an impartial examiner has found all incapacity has ceased, or after failure of the employee to report for or submit to such examination after reasonable notice by the department; provided, that such compensation shall be paid in accordance with section thirty-five if the employee in fact earns wages after the original agreement or decision is filed.

Sec. 30. From the day of injury the insurer shall furnish adequate and reasonable medical and hospital services. This shall include medicines, carfares,

transportation, nurses, nurses' board, dental treatment and any type of modern medical service recognized by the medical profession, in the locality of the injury. The employee may select a physician, dentist, nurse or practitioner other than the one provided by the insurer, or a hospital of his own selection, and charge the reasonable cost thereof, including transportation, carfares, nurses' board, medicines or other reasonable expenses to the insurer. There shall be no limitation of time for treatment other than the department's determination of what is just and reasonable; and the department, at the request of the employee, or person rendering the service, shall, where it finds that the services were adequate and reasonable, assess reasonable charges against the insurer therefor. The department may order the insurer to provide artificial or mechanical appliances, whenever it deems it necessary or helpful to the employee.

Sec. 31. If death results from the injury, the insurer shall pay the following dependents of the employee, including his children by a former wife, wholly dependent upon him for support at the time of his injury or death, compensation as follows, payable, except as hereinafter provided, in the manner set forth in section thirty-two:

To the widow for life, so long as she remains unmarried, ten dollars a week if and so long as there is no child of the employee, who is under the age of eighteen, or over said age and physically or mentally incapacitated from earning; to or for the use of the widow and for the benefit of all children of the employee, fifteen dollars a week if and so long as there is one such child, and five dollars more a week for each such additional child; provided, that in case any such child is a child by a former wife, the death benefit shall be divided between the surviving wife and all living children of the deceased employee in equal shares, the surviving wife taking the same share as a child. If the widow dies, such amount or amounts as would have been payable to or for her own use and for the benefit of all children of the employee shall be paid in equal share to all the surviving children of the employee. If the widow re-marries, she shall thereupon receive a lump sum of one thousand dollars, and then all payments to her under the foregoing provisions shall terminate and the insurer shall pay five dollars each week to each of the children of the employee. If there is no surviving wife or husband of the deceased employee, such amount or amounts as would have been payable under this section to or for the use of a widow and for the benefit of all such children of the employee, shall be paid in equal shares to all such surviving children of the employee until the age of eighteen or beyond said age until five thousand dollars has been paid. Payments to all other children shall cease at eighteen years of age; but a child physically or mentally incapacitated from earning shall receive compensation for life except for such periods as the insurer can establish an earning capacity in excess of the amount due hereunder.

In all other cases of total dependency, the insurer shall pay the dependents of the employee wholly dependent upon him for support at the time of the injury or death, a weekly payment equal to two-thirds of his average weekly wages, but no more than ten dollars nor less than five dollars a week; but in no case shall the amount be more than five thousand dollars. If the employee leaves dependents only partially dependent upon him for support at the time of his injury or death, the insurer shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the actual annual earnings of the deceased at the time of his injury or death. When weekly payments have been made to an injured employee before his death, the compensation under this paragraph to dependents shall begin from the date of the death of the employee, but shall not exceed five thousand dollars, irrespective of the amount paid the employee during his lifetime.

Sec. 32. The following persons shall be conclusively presumed to be wholly dependent for support on a deceased employee:

(a) a wife upon a husband with whom she lives at the time of his injury or death, or from whom, at the time of his injury or death, the department shall find the wife was living apart for justifiable cause, or because he had deserted her.

(b) a husband upon a wife with whom he lives at the time of her injury or death.

(c) children under the age of eighteen years (or over said age if physically or mentally incapacitated from earning); and the word "children" shall include a child or children by a former wife or husband, posthumous and adopted children and any illegitimate child of the deceased. It shall also include any child, whether related or not, who is a member of the family of the deceased at the time of injury or death. In any case, the department may require the appointment of a guardian to receive the payments.

(d) a parent upon an unmarried child under the age of twenty-one. If a parent determined to be dependent for support in whole or in part on a child, shall die, leaving the other parent surviving, the surviving parent shall succeed to the rights of compensation of the deceased parent.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact as the fact may be at the time of the injury or death; and in such other cases, if there is more than one person wholly dependent the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof, and if there is no one wholly dependent and more than one person partly dependent, the death benefit shall

be divided among them according to the relative extent of their dependency.

Sec. 33. In all cases the insurer shall pay the reasonable expense of burial, not exceeding two hundred and fifty dollars. If the employee leaves dependents such sum shall be a part of the compensation payable, and shall to that extent shorten the period of payment.

Sec. 34. While the incapacity for work resulting from the injury is total, the insurer shall pay to the injured employee a weekly compensation equal to two-thirds of his average weekly wages, during the entire periods of incapacity, but not more than twenty dollars, nor less than nine dollars per week, without any restrictions as to time and number of payments.

Sec. 35. While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to two-thirds of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter but not more than twenty dollars a week; and the amount of such compensation shall not be more than seventy-five hundred dollars.

Sec. 36. In case of the following specified injuries the sum of ten dollars a week shall be paid, in addition to all other compensation, for the following periods:

(a) For the loss by severance of both hands at or above the wrist, a period of one hundred and seventy-five weeks.

(b) For the reduction to twenty seventieths of normal vision in both eyes, with glasses, a period of hundred and fifty weeks.

(c) For the loss by severance of both feet at or above the ankle, a period of one hundred weeks.

(d) For the loss by severance of the right or major hand at or above the wrist, a period of seventy-five weeks.

(e) For the loss by severance of the left or minor hand at or above the wrist, or of either foot at or above the ankle, a period of fifty weeks.

(f) For the reduction to twenty seventieths of normal vision in either eye, with glasses, a period of fifty weeks.

(g) For the loss by severance at or above the second joint of the thumb of the right or major hand, a period of forty weeks.

(h) For the loss by severance at or above the second joint of the index finger of the right or major hand, a period of twenty weeks.

(i) For the loss by severance of one phalange of the thumb of the right or major hand, a period of twenty weeks.

(j) For the loss by severance of two phalanges of each of two fingers of the same hand which for the purposes hereof may include the thumb of the left or minor hand but not the thumb or index finger of the right or major hand, or of each of two or more toes of the same foot, a period of twenty-five weeks for each hand or foot so injured, and any compensation payable under this paragraph shall be in addition to any compensation payable under paragraphs (g), (h), (i), and (k), or any of them, subject however, to the limitation contained in said paragraph (k).

(k) For the loss by severance of the terminal phalange, or phalanges of any finger or fingers, not exceeding three on the same hand, which for the purposes hereof may include the thumb of the left or minor hand but not of the right or major hand, a period of twelve weeks in case of the loss by severance of one such terminal phalange, or a period of twenty-two weeks in case of the loss as aforesaid of two such terminal phalanges on the same hand, or a period of thirty weeks in case of the loss as aforesaid of three or more such terminal phalanges on the same hand; provided, that no compensation shall be payable under this paragraph for the loss by severance of any phalange for the loss of which compensation is payable under any other paragraph of this section, and provided further, that compensation shall be payable under this paragraph on account of injury to one hand only for such number of weeks as, together with the number of weeks during which compensation is payable under any other paragraph of this section for injury to the same hand, will not exceed forty-seven in the case of the left or minor hand or seventy-two in the case of the right or major hand.

(l) For the loss by severance of at least one phalange of any toe, a period of twelve weeks, for each foot so injured.

(m) The additional amounts provided for in this section in case of the loss of a particular hand, foot, thumb, finger, toe or phalange shall also be paid for the number of weeks above specified if the injury is such that that hand, foot, thumb, finger, toe or phalange is not lost but so injured as to be permanently incapable of use. In addition, the member or reviewing board may allow additional amounts ranging from one hundred and twenty dollars to fifteen hundred dollars, depending on the severity of the injury, in cases of disfigurement, loss of hearing or loss of any other part of the body heretofore not provided for. Such amounts may be awarded even if such loss does not affect the employee's earning capacity.

Sec. 37. Whenever an employee who has previously suffered a personal injury resulting in the loss by severance, or the permanent incapacity of one hand at or above the wrist or one foot at or above the ankle, or the reduction to twenty-seventieths of normal vision of one eye with glasses, incurs further disability by the loss or permanent incapacity of a hand

or foot or the reduction to twenty-seventieths of normal vision in an eye, by reason of a personal injury for which compensation is required by this chapter, he, or his dependents, if death results from the injury, shall be paid the compensation provided for by sections thirty-one, thirty-two, thirty-four or thirty-five, in the following manner: one-half of such compensation shall be paid by the state treasurer from the fund established by section sixty-five, and the other half by the insurer, but the additional compensation required by section thirty-six shall be paid by the insurer.

Sec. 38. No savings or insurance of the injured employee independent of this chapter shall be considered in determining the compensation payable thereunder, nor shall benefits derived from any other source than the insurer be considered in such determination.

Sec. 39. The compensation payable in case of the death of the injured employee shall be paid to his legal representative; or, if he has no legal representative, to his dependents; or, if he leaves no dependents, to the persons to whom payment of the expenses for the last sickness and burial is due. If payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this chapter. When the appointment of a guardian or of a legal representative of a deceased employee, not otherwise necessary, is required to comply with this chapter, the insurer shall furnish or pay for legal services rendered in connection with the appointment of such guardian or representative, or in connection with his duties, and shall pay the necessary disbursements for such appointment, the necessary expenses of such guardians or representatives and reasonable compensation to him for time necessarily spent in complying therewith. Said payments shall be in addition to sums paid for compensation.

Sec. 40. If an injured employee is mentally incompetent or is a minor when any right or privilege accrues to him, his guardian or next friend may, in his behalf, claim and exercise such right or privilege.

Sec. 41. An employee shall file a claim within six months of his knowledge that he has suffered a personal injury; and shall notify his employer or any person superior to him, orally or in writing, within six months from the time he has knowledge that he has suffered a personal injury; but neither claim nor notice shall be a condition precedent to the establishing of liability under this chapter; but the board shall require a claim in writing before a hearing is granted. The defences of claim and notice shall be deemed waived unless raised in writing at the beginning of the original hearing on liability.

Sec. 42. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury, and shall be signed by the person injured, or, in case of his death, by his legal repre-

sentative, or by a person to whom payments may be due under this chapter, or by a person in behalf of any one of them. Any form of written communication signed by a person who may give the notice as above provided, containing the information that the person has been so injured, giving the time, place, and cause of the injury shall be considered a sufficient notice.

Sec. 43. The notice shall be served upon the insurer or an officer or agent thereof, or upon the insured, or upon one insured person if there is more than one, or upon any officer or agent of a corporation if the insured is a corporation, by delivering it to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person on whom it is to be served, at his last known residence or place of business.

Sec. 44. Such notice shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury unless it is shown that it was the intention to mislead and that the insurer was in fact misled thereby. Want of notice shall not bar proceedings, if it be shown that the insurer, insured or agent had knowledge of the injury, or if it is found that the insurer was not prejudiced by such want of notice. The burden of proof shall be on the employer or insurer to show prejudice; or even if prejudice be shown, the single member or reviewing board may set aside the defense of notice if he or they certify that they are satisfied that the employee did receive a personal injury arising out of and in the course of the employment.

Sec. 45. After an employee has received an injury, and has been paid compensation therefor, and from time to time thereafter during the continuance of his incapacity he shall, if requested by the insurer or insured, submit to an examination by a registered physician furnished and paid for by the insurer or the insured. The employee may have a physician provided and paid for by himself present at the examination. If a physician provided by the employee is not present at the examination, it shall be the duty of the insurer to file forthwith with the department a copy of the report of its examining physician or physicians. If the employee refuses to submit to the examination or in any way obstructs it, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited. The insurer shall have no right to an examination unless it has previously paid compensation, or asked for an impartial examination and been denied one.

Sec. 46. No agreement by any employee to waive his rights to compensation shall be valid; and no waiver shall be granted.

Sec. 47. No payment shall be assignable or subject to attachment, or be liable in any way for debts either before or after payment.

Sec. 48. Whenever the department deems it to be for the best interests of the employee or his dependents, and the parties agree, the liability for compensation may be redeemed by the payment in whole or in part by the insurer of a lump sum of an amount to be fixed by the department, not exceeding the amount provided by this chapter. The department, in the case of a minor who has received permanently disabling injuries, either partial or total, may, at any time before or after he attains his majority, provide that he be compensated in whole or in part by the payment of a lump sum, of any amount to be fixed by the department, not exceeding the amount provided by this chapter.

Sec. 49. The claim for compensation shall be in writing and shall state the time place, cause and nature of the injury. It shall be signed by the person injured, or, in the event of his death, by his legal representative, or by a person to whom payments may be due, or by a person in behalf of any of them, and shall be filed with the department. A claim for compensation shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, cause or nature of the injury unless it is shown that it was the intention to mislead and that the insurer was in fact misled thereby. Failure to make a claim within the time fixed by section forty-one shall not bar proceedings under this chapter if it is found that it was occasioned by mistake or other reasonable cause, or if it is found that the insurer was not prejudiced by the delay. The burden of proof shall be on the employer or insurer to show prejudice; or even if prejudice be shown, the single member or reviewing board may set aside the defense of claim if he or they certify that they are satisfied that the employee did receive a personal injury arising out of and in the course of his employment. In no case shall failure to make a claim bar proceedings if the insurer has executed an agreement in regard to compensation with the employee or made any payment for compensation under this chapter.

Sec. 50. Whenever any question involving the compensation of an injured employee or his dependents is appealed to the supreme judicial court, and the decision is in favor of the employee or his dependents, interest to the date of payment shall be paid by the insurer on all sums due as compensation to such employee or dependents. Interest shall begin from the date of the entry of the case in the superior court.

Sec. 51. Whenever an employee is injured under circumstances entitling him to compensation, if it be established that the injured employee was of such age and experience when injured that, under natural conditions, his wages would be expected to increase, in the same occupation or in kindred employments, but not limited to the same employer, that fact may be considered in determining his weekly wages.

EXCLUSIVE STATE FUND

Sec. 52. There is hereby created a fund to be known as the "state insurance fund", for the purpose of insuring employers against liability for personal injuries or death sustained by their employees and of assuring to the persons entitled thereto the compensation and benefits provided by this chapter. Such fund shall consist of all premiums received and paid into the fund, of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys belonging to the fund and deposited or invested as herein provided. Such fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of expenses in the manner provided in this chapter. Such fund shall be administered by the state fund director, as hereinafter provided.

Sec. 53. The state treasurer shall be the custodian of the state insurance fund; and all disbursements therefrom shall be paid by him upon vouchers signed by the state fund director. The state treasurer shall give a separate and additional bond in an amount to be fixed by and with sureties approved by the state fund director conditioned for the faithful performance of his duty as custodian of the state fund. The state treasurer may deposit any portion of the state fund not needed for immediate use in the manner and subject to all the provisions of law respecting the deposit of other state funds by him. Interest earned by such portion of the state insurance fund deposited by the state treasurer shall be collected by him and placed to the credit of the fund.

Sec. 54. Ten per centum of the premiums collected from employers insured in the fund shall be set aside for the creation of a surplus until such surplus shall amount to the sum of one hundred thousand dollars, and thereafter five per centum of such premiums, until such time as in the judgment of the state fund director and commissioner of insurance such surplus shall be sufficiently large to cover the catastrophe hazard. Reserves shall be set up and maintained adequate to meet anticipated losses and carry all claims and policies to maturity, which reserves shall be computed in accordance with such rules as shall be approved by the state fund director, and the commissioner of insurance.

Sec. 55. The board of trustees shall determine what part of the funds of the state insurance fund shall be invested, but such investments shall be made in the same manner in which the deposits of the savings banks of the commonwealth are required by law to be invested.

Sec. 56. The expense of administering the state insurance fund shall be paid out of such fund. In no case shall the amount of such expenditures for an entire year exceed twenty-five per centum of the earned premiums of that year; and on the first day of January, April, July and October, the state fund

director shall submit to the board of trustees an estimated budget for the expenditures for the succeeding three months, and the decision of the board of trustees as to the amount to be expended shall be final. The state fund director shall include in his annual report to the board of trustees a statement of the expense of administering the state fund for the preceding year. All appointments to positions in the state insurance fund, except the state fund director, shall be made subject to civil service requirements unless waived for any particular position, by the unanimous vote of the board of trustees. The board of trustees shall appoint the director of the state fund for a period of five years at the same salary paid to members of the department of industrial accidents. The state fund director shall make all appointments, subject to civil service requirements, to positions in the state insurance fund, by and with the advice and consent of the board of trustees.

Sec. 57. The board of trustees shall consist of seven members one of whom shall be the state fund director. The other six members shall originally be appointed by the department of industrial accidents. Three shall represent employees and shall be selected from persons fully qualified by affiliation, occupation and employment, and with considerable experience, in the administration of workmen's compensation insurance; and three to represent employers who are to insure in the state fund, and fully qualified by affiliation, occupation, and employment, and with considerable experience in the administration of workmen's compensation insurance. The term of the board of trustees with the exception of the state fund director, shall be seven years; but the original appointments by the department are to be for shorter periods so that the term of not more than one member of the board of trustees shall expire in any one year. Thereafter, vacancies shall be filled by the remaining members, by majority vote, and three shall always, by affiliation, occupation, and employment, represent employers, and three shall always, by affiliation, occupation, and employment, represent employees, with the purpose of giving employers a reasonably low rate, consistent with a safe and sound fund, and of giving the employees a reasonable portion of every dollar paid into the fund by way of premiums and otherwise.

The members of the board of trustees, except the state fund director, shall receive one thousand dollars salary annually, and shall, in addition, be entitled to their reasonable travelling and other expenses incurred in connection with their duties, which expenses shall be paid out of the state fund on the warrant of the state fund director. The board of trustees shall meet as often as necessary, and not less than once a month each year. It shall adopt rules of procedure, and shall see to it that all personnel administering the state fund shall be selected from persons fully qualified, that all responsible positions shall be filled by persons with considerable experience in the adminis-

tration of workmen's compensation insurance, and the same generally as for any well-managed private company.

This includes maintenance of equitable rates of premiums and dividends, and a careful watch on the volume of uncollected and uncollectible premiums.

The board of trustees shall create a medical department, legal department, investigation department, and follow in general the methods of administration employed previously by well managed private compensation insurance companies; except that the state fund shall not employ solicitors of insurance, but shall establish such agencies and means for the receipt of applications for insurance and of premiums, as they deem economical and necessary; in a manner similar to that used by Savings Bank Life Insurance, under G. L. (Ter. Ed.) ch. 178, sec. 13, as amended.

The boards of trustees shall consider the condition of the state fund, and examine into the condition of its reserves, investments, and other matters relating to the administration of such fund. It shall have access to all records and books of account and shall have the power to require the presence before it, or of any sub-committee, of any officer or employee of the fund. Information obtained by members of the board of trustees shall be deemed confidential unless disclosed by order of the board of trustees. The quarterly estimates of administrative expenditures out of the fund shall be submitted to the board of trustees for their action. The state fund director shall detail to such board of trustees such stenographic or other assistance as it deems necessary. The board of trustees may remove the director for cause after due hearing; shall establish so far as permitted under civil service rules, reasonable salaries for all the personnel of the state fund and set up the form of administration in their opinion best suited to carry out the purposes of the state fund economically.

The board of trustees shall arrange with the state treasurer for the issuing of checks promptly in payment of claims so that compensation shall begin so far as reasonably possible on the eighth day after the injury, in accordance with section twenty-nine, and to that end may reimburse the state treasurer equitably for the services of those employees in the state treasurer's office who issue such checks.

Sec. 57a. Self insurance or insurance in any insurer other than the state fund is hereby prohibited.

Sec. 57b. The state fund shall grant a policy of insurance upon the request of any employer, accompanied by the premium based on the manual rate, last published by the state fund. Said manual shall be published at least once a year, and shall have classifications covering all forms of industry within the state, in the manner now used by well-managed private insurance companies in the Commonwealth. If at the

end of the first year the employer's risk turns out to be one written at a loss, his individual rate may be increased five per cent above manual; and if the loss is due to failure to use or install known accident preventing devices, the state fund shall proceed against him under section sixty-nine; and if the manual rate shall be insufficient by virtue of the inherent risk of the business, and non-preventible, the manual rate for all employers in the same classification may be increased by the state fund director, by and with the advice and consent of the board of trustees.

Sec. 57c. In case of bankruptcy, the claim of the state fund for unpaid premiums shall be a preferred claim.

Sec. 57d. If for any reason, in the opinion of the state fund director, and a majority of the board of trustees, an assessment upon employers is necessary to maintain the financial soundness of the fund, the state fund director may make an equitable assessment upon employers insuring in the state fund, but not to exceed an amount equal to the annual premium.

Sec. 57e. It shall be the duty of the board of trustees to recommend to the legislature annually such changes under this chapter as they deem necessary.

Sec. 58. Employments and employers in the state fund shall be divided into such groups and classes as shall be equitably based upon differences of industry or hazard for the purpose of establishing premium rates, and for such purpose a system of merit rating may be employed which shall take account of the peculiar hazard of each individual risk. Premiums in the state fund shall be fixed at the lowest possible rates consistent with the maintenance of a solvent fund and of reasonable reserves and surplus; but in no event shall the rate of any one employer exceed the manual rate by more than five percent.

Sec. 59. Employments and employers insured in the state insurance fund may be divided into such groups as shall be equitable for the purpose of accounting and declaration of dividends but for the purpose of paying compensation the state fund shall be deemed one and indivisible. Separate accounts shall be kept of income and of losses and expenses incurred, including contributions to catastrophe surplus and reserves adequate to meet anticipated losses and carry all claims to maturity, for each group. If such accounting shows a balance remaining to the credit of the group at the close of any policy period, which shall be deemed to be safely and properly so applied, there may be credited or paid to each individual member of such group such proportion of such balance as the amount of his earned premium sustains to the total earned premium for the group for the period for which the accounting is made.

Sec. 60. Premiums for any policy period shall be paid into the state insurance fund at the beginning of the period according to the estimated expenditure of

wages for the period. At the end of the period an adjustment of the premium shall be made according to the actual expenditure of wages. If such adjusted premium is more than the premium paid at the beginning of the period, the employer shall pay the difference immediately upon notification of the amount of the true premium and the difference due. If such adjusted premium is less than the premium paid in advance, the employer shall, at his option, receive either a refund of the difference or a credit of the amount thereof on his account with the state fund.

Sec. 61. If an employer shall default in any payment required to be made by him to the state insurance fund, after due notice his insurance in the state fund may be cancelled and the amount due from him shall be collected by civil action including the reasonable cost of collecting same, against him in the name of the state fund director, and the same, when collected, shall be paid into the state insurance fund, and such employer's compliance with the provisions of this chapter requiring payments to be made to the state insurance fund shall date from the time of the payment of said money so collected as aforesaid to the state treasurer for credit to the state insurance fund.

Sec. 62. The state fund director shall make reasonable regulations governing cancellation of policies. He shall establish the premium rates by and with the consent of the board of trustees, and to this end shall set up an actuarial department, appointments to be made in accordance with section fifty-six. Any employer aggrieved by the rate made by the state fund director may request a hearing before the board of trustees, whose decision, after hearing, shall be final.

Sec. 63. Every employer who is insured in the state insurance fund shall keep a true and accurate record of the number of his employees and the wages paid by him, and shall furnish, upon demand, a sworn statement of the same. Such record shall be open to inspection at any time and as often as may be necessary to verify the number of employees and the amount of the payroll. Any employer who shall fail to keep such record or who shall wilfully falsify any such record, shall be guilty of misdemeanor.

Sec. 64. Any person who wilfully misrepresents any fact in order to obtain insurance in the state insurance fund at less than the proper rate for such insurance, or in order to obtain payment out of such fund, shall be guilty of a misdemeanor.

(a) The state fund director shall have the right to inspect the plants and establishments of employers insured in the state insurance fund; and the inspectors designated by the state fund director shall have free access to such premises during regular working hours.

(b) Information acquired by the state fund, or its officers or employees, from employers or employees

pursuant to this chapter shall not be opened to public inspection, and any officer or employee who, without authority of the state fund director or pursuant to his regulations, or as otherwise required by law, shall disclose the same shall be guilty of a misdemeanor.

(c) The state fund director shall make reports to the commissioner of insurance in the same manner as is required of other domestic insurers, and the commissioner of insurance may examine into the condition of such state insurance fund at any time for the purpose of determining the condition of the investments and the adequacy of the reserves of such fund, in the same manner as permitted of other domestic insurers.

Sec. 65. For every case of personal injury resulting in death covered by this chapter, when there are no dependents, the insurer shall pay into the treasury of the commonwealth two thousand dollars. Such payments shall constitute a special fund in the custody of the state treasurer who shall make payments therefrom upon the written order of the department for the purposes set forth in section thirty-seven and section three.

MISCELLANEOUS PROVISIONS

Sec. 66. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury, so sustained, it shall not be a defense:

(1) That the employee was negligent.

(2) That the injury was caused by the negligence of a fellow employee.

(3) That the employee had contractually or voluntarily assumed the risk of the injury.

(4) It shall be presumed that the injury was a direct result of the employer's negligence, and the employer must assume the burden of proof to rebut this presumption of negligence.

Sec. 67. The preceding section shall not apply to actions for personal injuries received by employees of an insured person.

(a) This act shall be elective both as to employees and employers; and an employee shall be conclusively presumed to have elected to come under the provisions of this chapter if he has not given the notice required by section twenty-four. An employer shall be conclusively presumed to have elected to come under the act by taking out a policy of insurance in the state fund herein provided, and thereby also to have waived his right to jury trial. If the employer elects not to come under the provisions of this act, the employee may bring a common law suit and have the benefit of the provisions of section sixty-six, and if the court or jury find that the employer was negligent, in addition

to the usual damages, the entire reasonable costs of the suit, including reasonable counsel fees, shall be awarded. If, however, the court or jury find that there was no negligence, but that the personal injury received by the employee did nevertheless arise out of and in the course of the employment, damages with the usual civil costs, shall be awarded as in ordinary tort cases involving personal injuries. On motion filed by either side, the trial, whether before a judge or jury, shall be held within sixty days of the filing of the motion, without further action by the moving party, and no postponements shall be granted to either party except for reasons deemed urgent by the presiding justice.

Sec. 68. The commonwealth and every county, city, town or district having the power of taxation, and any county or district maintaining a hospital established under sections seventy-eight to ninety, inclusive, of chapter one hundred and eleven, shall insure in the state fund, all of its employees whether elected, appointed, or under any contract of hire or otherwise in its service, for personal injuries arising out of and in the course of their employment, or for death resulting therefrom, in the same manner as provided for private employers. All the provisions of this act shall, so far as reasonably possible, apply equally to public and private employers, including charitable corporations or entities, save that as to public employers, as hereinbefore mentioned, this act shall be compulsory. The state fund shall insure its entire personnel in the fund.

Sec. 68a. Any person entitled to receive compensation as provided by section sixty-eight from the commonwealth or from such county, city, town or district, who is also entitled to a pension by reason of the same injury, shall elect whether he will receive such compensation or such pension, and shall not receive both. If a person entitled to such compensation from the commonwealth or from such county, city, town or district receives by special act a pension for the same injury, he shall forfeit all claim for compensation; and any compensation received by him or paid by the commonwealth or by such county, city, town or district which employs him for medical or hospital services rendered to him may be recovered back in an action at law. No further payments shall be awarded by vote or otherwise to any person who has claimed and received compensation under section sixty-eight.

Sec. 69. On information by the state fund director that any employer in the commonwealth, whether insured or not, is conducting a business dangerous to life and limb of his employees, and has failed to use or install known accident-preventing devices, the department of labor and industries shall investigate the matter, and hold a hearing; and if the employer is found to be so conducting his business, and has not remedied the defect, the department of labor and industries shall file a bill in equity in the superior

court, in the name of the commonwealth, and the employer shall be enjoined from doing further business until, in the opinion of the superior court, the condition has been remedied, and the full costs of the litigation reimbursed to the department of labor. The written decision of the department of labor and industries, following the hearing, shall be prima facie evidence of the facts found, and it shall be optional with the superior court as to whether it will hear further evidence.

Sec. 70. This act shall be interpreted liberally, wherever reasonably possible, in order to effectuate the intent of this chapter, and in order to give employees thereunder and their dependents, the full benefits of this chapter. Wherever the board is of the opinion that a previously existing common law rule or presumption narrows the right of an employee or his dependents under this chapter, it shall ignore said rule or presumption. No ruling on evidence made by the board shall be reversed for error, unless it affects the substantial rights of the losing party. Where the injury results from exposure to the elements in the course of the employment, compensation shall be awarded without additional proof of greater exposure than other workmen or persons, and without proof of inability to avoid the result. The board shall award compensation to an employee injured by assault or altercation in the course of the employment, unless the insurer sustains the burden of proving that the assault or altercation was personal to the injured employee and had no relation to the employment. A dependency award shall be made if the injury leads to suicide, without proof that the deceased employee acted in a delirium of frenzy, or under an uncontrollable impulse, or understood the nature of his act. Where compensation is being paid and the insurer requests the hearing, the burden of proof shall be upon it to show a change in condition, entitling it to a reduction or cessation of compensation.

Sec. 71. All substitute schemes put into effect by employers, or insurers, or others for the sake of directly or indirectly avoiding coverage under the workmen's compensation act, and in the state fund herein provided, shall be in addition to the provisions of this chapter; and for an uninsured employer, shall in no wise bar the rights of the employee under sections sixty-six, sixty-seven, and sixty-seven (a); and for an insured employer, shall in no wise bar the rights of the employee, under any of the sections of this chapter applying to employees of an insured employer.

Sec. 72. Beginning January 1, 1938, every employer who elects not to take out compensation coverage, shall give notice to that effect in writing by registered mail, to the department, within fifteen days from said January 1, 1938, and if not then in business, within fifteen days after commencing business, and from the first day of January of each succeeding year. Failure to give such notice shall be deemed an election on the part of the employer to come under

the provisions of the workmen's compensation act, and the state fund director shall assess and collect the premium as if the employer had applied for a policy; and if an injury occurs prior to the time of receipt of a policy or binder by the employer, the employee, after conference with a board member, shall have the option of suing at common law under sections sixty-six, sixty-seven and sixty-seven (a), of proceeding as if the employer were an insured person under the provisions of this act, the award to be paid by the employer and not by the state fund.

Sec. 73. Misdemeanors under this chapter shall be punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both.

Sec. 74. If any part of this chapter shall be held unconstitutional, the remainder of the chapter shall be unaffected thereby.



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